

Cross-Party Group on Children and Families
Affected by Imprisonment
Wednesday 18 September 2013
1pm - 2pm

Attendance: Richard Lyle MSP, Mary Fee MSP, Gareth Brown, Nancy Loucks, Michelle Martin, Sue Maxwell, Dinah Aitken, Marina Shaw, Maggie Mellon, Sara Watkin, Evelyn Reid, Jennifer Law, Sharon Ashton, Oliver Aldridge, Karen McGregor, Claire Wadsworth, Ester Robertson, Alan Muir, Lucy Adams, John Forsyth

Apologies: Alan Montgomery, Joanna McLaughlin, Christine Scullion, Tina Everington, Sarah Roberts, Cara Jardine, Evelyn Gibb, Tim Parkinson, Simon Mclean, Lorraine McLaren, Kate Philbrick, Margaret Mortimer, Shirley Green, Marie Gray, Donald Dickie, Justina Murray, Don Millar, Valerie Macniven

Welcome and apologies

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

Minutes of Previous Meeting

The minutes of the last meeting were agreed as accurate.

Update on Parliamentary Business

Gareth informed the group that the Ms Fee had recently visit HMP Shotts and met with the Governor. Gareth said it was a good visit. There aren't any Justice Debates before the next CPG meeting, however Ms Fee is happy to raise any issues in through parliamentary questions.

Nancy informed the group that Mary had raised the issue of Secure Payments into prison with Colin McConnell in June and noted that she had also raised this with the Governor of HMP Glenochil, who is the SPS lead for bringing IT into prisons.

Introduction and panel discussion:

Mr Lyle introduced Alan Muir from *The Scottish Sun*; John Forsyth from *The Scotsman*; Esther Robertson from the Press Complaints Commission, and Lucy Adams from *The Herald*. Nancy gave a brief overview of the background to the day's meeting prior to the panel members giving a short introduction about their experiences.

Nancy informed the group that the issue under discussion was media portrayal of family members of prisoners. Families Outside gets a number of requests for the media to speak to family members, who are often reticent to tell their stories, often due to the publicity surrounding the original case. Nancy informed the group that there had also been some positive experiences of the press, such as when an ex-partner of a prisoner contacted an 'agony aunt', who contacted Families Outside for information about what help was available. The paper provided information about the helpline, which saw the number of calls double the following month.

Alan Muir informed the group that the Scottish Sun (along with the Daily Record) report on more court cases than most other national papers in Scotland. Mr Muir informed the group that he had been a journalist in more than 30 years, starting off in a local paper.

Mr Muir suggested families often query the necessity of media reporting of cases where crime is petty and the sentence is minimal, and yet having the details of case reported in the paper can leave families devastated. Mr

Muir explained that, historically, local papers have always reported on court cases and suggested that this is because readers have an interest in the actions of others in their community.

National papers, on the other hand, tend to focus on the 'big stories', and Mr Muir suggested that the media are aware of the impact reporting can have on families of the accused. Mr Muir informed the group that they often hear from families the day after the court case. Sometimes families want to put their side across and explain how it has impacted on them e.g. children being bullied. They also get in touch looking for organisations that might be able to support them. Mr Muir explained that, more often than not, they call to complain about what was reported e.g., what was said in court.

Mr Muir suggested that the media are very mindful families can be the forgotten victims and suggested that media are interested in all aspects e.g. telling the story of the accused, the victims or the families. Mr Muir also suggested there are consequences for false or inaccurate reporting, and the Press Complaints Commission does hold the media to account.

John Forsyth informed the group that he has had a long career in media, working in both TV and Radio. Mr Forsyth explained that he was editor of the Law and Legal affairs section of the Scotsman until it was discontinued in June of this year. Mr Forsyth suggested that the culture of law and crime reporting had dramatically changed in some respects but remains similar in others. There continues to be an interest at local media level of what happened in court that day. Mr Forsyth suggested at a national level there was still constraint of only reporting what was said in court and not other details regarding the investigation available in the public domain. Mr Forsyth suggested that, with the development of the internet, news desks have had to evolve their overall perception of the kinds of cases they will report on and the way in which they report them. Mr Forsyth said there can be collateral damage for families of those on trial. He noted that criminal proceedings are led by the prosecutor, and papers often begin reporting on a case and then move on to another story before the trial concludes. This can mean there is little or no reporting of the defence case. Mr Forsyth commented that this isn't case for high profile cases. Mr Forsyth also noted he was aware of the collateral damage that comes from the Scottish Government and Crown Office using individual cases to further propel their overall political aims. Mr Forsyth noted that there was rarely a press release after an acquittal.

Lucy Adams informed the group that she has worked for the Herald for over 10 years, primarily covering crime and justice. Ms Adams said there were a number of factors at play, including the fact that the press want to sell newspapers, which are selling less than ever before which creates its own pressures. Ms Adams suggested that the politicisation of crime, the fear of crime and who commits crime has been an issue since the '80s. This has created a huge number of problems for offenders, their families, those who report on crime and the politicians who use this to win elections. Ms Adams suggested that the best way to alleviate these tensions is to engage in open discussion and debate about these issues. Ms Adams also suggested that journalists try to report as accurately as possible and to bear in mind the different factors going on. Ms Adams commented that she herself has written a lot about individuals who have gone through the criminal justice process and what that has meant for them.

Esther Robertson informed the group that she has been a Commissioner for the last 6 years, and there are 17 Commissioners at present. Esther commented that she regards freedom of the press as an essential part of democracy. She informed the group that The Press Complaints Commission (PCP) was criticised in the Leveson Inquiry for things they hadn't done rather than what they do, noting that current functions of the Commission will be retained when the new body is established. Esther explained that the PCP is a complaint handling body first and foremost. However, they also help train journalists, conduct pre-publication work and work around

harassment. The Code of Conduct was developed by editors of newspapers. The complaints officers will handle complaints from the earliest stages. This can include pre-publication work where individuals contact the PCP concerned about what they think might be published or from journalist or editors asking for input on particular stories. The Code of Conduct has specific clauses specific to the topic of day's discussion including accuracy, privacy, harassment, intrusion into grief or shock, children and the reporting of crime. Esther noted that the previous speakers had discussed the role of the media in reporting court cases and added that reporting of crime is an important public record. Esther noted that it can be very difficult for families to come to terms with the fact that, if something is said in court and there are not restrictions in place, then the media are entitled to report on it. Esther informed the group that there is a clause which states that 'relatives or friends of persons convicted or accused should not generally be identified without their consent unless they are generally relevant to the story'. Esther noted that the Code therefore offers protection for families and friends. Esther informed the group that the PCP has a website and provides leaflets on how to complain and further information about the Code of Conduct. Esther also noted that there is a 24-hour harassment helpline (07659 152 656). Esther informed the group that the PCP can help with unwanted approaches to the media by passing desist messages to relevant editor and broadcasters.

Mr Lyle thanked the panel members for their opening address and invited any comments or questions from the CPG.

Maggie Mellon suggested the press should be reporting on the cost of imprisonment and report on stories where individuals are given criminal convictions for petty crimes that later result in them being grossly disadvantaged e.g. accessing employment. Maggie suggested that the press should be questioning why individuals are given short sentences that would have a wider impact on their prospects and suggested getting quotes from professionals to comment on the impact of imprisonment.

Mr Muir responded by saying that the press can write leader articles but noted that, particularly with High Court cases, many individuals and organisations are queuing up to share their knowledge and experience and point of view, with Mr Muir noting that it had never been easier to speak to a journalist. Mr Muir suggested that if the press get something wrong or if they don't balance a story properly, he would be happy to hear from those who wish to share another side to the story.

Mr Muir also argued that many of the tabloid papers do report on the imbalance of justice and notes that, when a criminal conviction is secured for a petty crime and a more serious crime results in a community service, then it is natural for there to be an outcry, which comes from the public not the press.

Mr Forsyth suggested that there is a lot of debate about the cost of ways in which criminal justice is administrated and the outcomes. Mr Forsyth also suggested that, over the last number of years, this has been driven by the victim's perspective. Mr Forsyth also noted that the Cabinet Secretary for Justice is aware that, in a high number of cases, the perpetrator could have easily been the victim.

Ms Fee asked the group their views on the use of inflammatory language. Ms Adams suggested that inflammatory language tends to be used more in the tabloids than in the broadsheets and felt that the language is often reflecting public opinion. Ms Adams noted that there is a huge debate on whether papers write what consumers want to read or whether the papers dictate what consumers want to read. Ms Adams also suggested that there are issues around the fact that papers being independent enterprises does mean that they want to sell copies. Ms Adams suggested she had written extensively about the cost of imprisonment and the ineffectiveness of prisons

but felt this tended to be a lone voice and that politicians were also responsible for language being used e.g. 'Ned culture'.

Ms Fee raised the issues of families reading headlines where the relative is described with degrading language. Ms Fee felt the press didn't act responsibly to report something; instead they work towards 'feeding the frenzy' by trying to make a story as sensationalist as possible and do not take into account the damage this causes families when they read headlines where the family member is described as a monster.

Ms Adams suggested that journalists do try work with integrity but also noted they were not responsible for writing headlines as this is at the discretion of sub-editors.

Ms Robertson noted that there is a myth that newspapers, like broadcasters, have to provide a balanced view but informed the group they don't and can take any partisan view as long as they abide by the Code of Conduct. Ms Robertson also suggested that the commercial pressures on newspapers are fuelling the need for papers to use eye-catching headlines, which can be very derogatory. Ms Robertson agreed that she would like to see more debate around the issues of sending people that could be diverted from the criminal justice system. Ms Robertson noted that, in the main, the general public supports punitive approaches until they are engaged in the debate or until they become caught up in the process themselves. Ms Robertson – who is also on the Board of Sacro - noted that the voluntary sector has a role to play in getting the other side of the story across.

Mr Forsyth agreed that the language had got more extreme in recent years. Mr Forsyth informed the group that on the English sentencing website they have a number of scenarios where the public, after being given the background to a case, can decide on the sentence. Interestingly, the public tends to give a lighter sentence than the actual sentence imposed by the Judge. Ms Adams said that Strathclyde University had conducted similar research and found that the public are less punitive than the Judges.

Dinah Aitken noted a growing recognition of the role families can play in supporting their relative in prison and desisting from crime. Dinah compared this to carers, who get a lot of positive press, and wondered how the media can help change public opinion of families by showing how they can support prisoners from reoffending.

Mr Muir suggested that, now more than ever, papers are desperate for people to tell the other side of the story and felt this would be a wonderful feature to run and would encourage anyone to approach the press with this type of feature.

Sara Watkin commented that the media could do more to highlight the kind of life experiences that have led to individuals offending, noting that many prisoners have had very poor life chances and have often been witness or victims of abuse themselves.

Marina Shaw commented that the media should be holding society to account. Marina noted that there is something about society that likes a 'them and us' and felt this is portrayed heavily in the media. Marina mirrored Sara's early comment, suggesting that more should be done to intervene with children and teenagers at risk of adult offending.

Esther agreed with both points raised but also suggested that not all offenders come from a background of abuse or have been victims themselves. Esther agreed that if we continue to have a 'them and us' approach then things can't move forward and felt this could equally be true when assigning blame to the media.

Oliver Aldridge noted that Finland had made great progress in reducing their prison numbers, and part of their success was that the press was able to hold a balanced view. Aldridge asked how this culture could be cultivated in Scotland.

Mr Forsyth noted that Finland had done a remarkable job at reducing their prison population; he also noted that they had improved their general public health and education, as well as reducing their alcohol consumption. Mr Forsyth said this had happened over 35 years and was a collaborative effort. Mr Forsyth was critical over how the Crown Office conducted itself as a campaigner rather than as a prosecutor and felt it would be useful to have face to face discussions to see how together we could moderate our language.

Ms Adams said the Cabinet Secretary for Justice and his predecessors had tried to push through a debate about reducing prison numbers, and yet prison numbers continue to increase. Ms Adams suggested that there had to be a more collaborative approach with the media and public coming on board.

Gareth Brown said he had done some research on Norway a few years ago and felt that, by comparison, one of the barriers in Scotland was the fact that elections are held every year, meaning that political parties can't properly talk about Justice because of the election cycle, and they might be seen as soft on crime.

Ms Robertson noted that part of Scotland's Justice system was an independent Judiciary and suggested that more options need to be available for Judges and Sheriffs to divert individuals from prison. Esther also asked what evidence politicians have to say that the public wouldn't be supportive of radical changes to the Justice system.

Marina Shaw suggested that there need to be more work and funding spent on early years.

Nancy thanked the panel members for their participation.

AOCB

Nancy informed the group that Lothian and Borders CJA was holding a consultation on the Framework for Families involved in the Criminal Justice System. The consultation closes on the 3rd of October, and Nancy encouraged the group to submit comments to them.

Dates of Next Meetings (TBC)

- 13 November 1-2pm
- 4 December (Round Table event with Judiciary and right to Family Life), 6-8pm