

**Cross-Party Group on Children and Families**  
**Affected by Imprisonment**  
**Wednesday 3 June 2015**  
**1-2pm**

**Attendance:** Nancy Loucks, Rebecca Joyce, Janice McGowan, Marie Dobie, Margaret Slater, William Reid, Susan Galloway, Tim Parkinson, Shirley Melvin, Lorraine Davidson, Kate Conroy, Alan Montgomery, Jean Midwinter, Ann Darlington, Malcolm Stewart, Mark Ballard, Daniel Cairns, Richard Lyle MSP, Margaret MacDougall MSP, Christian Allard MSP, Dinah Aitken, Rachel Davison, Lisa Mackenzie

**Apologies:** Lexi Smart, Maggie Mellon, Sara Watkin, Valerie MacNiven, Sue Maxwell, Joan Alexander, Don Millar, Billie Wealleans, Tina Everington, Justina Murray, Margaret Mortimer, Donald Dickie.

**Amendments:** Jude Clarke is a Service User and Carer Representative, Division of Clinical Psychology in Scotland, British Psychological Society. She is not clinical psychologist as incorrectly stated in April's minutes.

<b>Welcome and apologies</b>	<b>Action</b>
Mary Fee was unable to attend this month's meeting due to another appointment. She sends her apologies. Margaret MacDougall, Vice Convenor, chaired the meeting in her absence. Richard Lyall, Vice Convenor, was also present.	
<b>Minutes of last meeting and matters arising</b>	<b>Action</b>
The minutes were agreed as an accurate note of the discussion. Matters arising were discussed in the course of the agenda.	
<b>Update On Parliamentary Business</b>	<b>Action</b>
<p>Mary Fee MSP's private member's bill - the 'support for children impacted by parental imprisonment bill' - was not able to be passed within this session due to time constraints – the deadline was missed by a few weeks. However, when parliament starts up again, the Bill can be picked up then.</p> <p>Mark Ballard from Barnardo's spoke about the series of other bills coming through the parliament including the Criminal Justice (Scottish) Bill, the Education Scotland bill, and the Community Justice Scotland bill, as these all provide opportunities to discuss issues around children affected by imprisonment.</p> <p>The guidance for the Children and Young People Scotland Act Recognition 2014 also focuses on the wellbeing of children, which involves the opportunity to discuss children affected by parental imprisonment. Mary's Bill to introduce child impact assessments into the criminal justice system would require recognition at the point of sentencing of the impact of imprisonment on children of offenders. It would also ensure that children whose parents are imprisoned are given an 'additional support for learning assessment' within school to identify whether these children require additional support. Whilst not every child with a parent in prison would require additional support, this would allow schools to be made aware when a parent of a child in the school is given a custodial sentence.</p> <p>This was a member's bill which comes to an end 12 months before the end of the parliament – deadline missed by a few weeks – hoping to have this expedited by the next parliament without having to go through the consultation/drafting process again. Mary Fee is going to publish the consultation document in the next few weeks, before the bill is officially lodged in September. This will give everyone an opportunity to lodge their support for the bill.</p> <p>Another big opportunity is with the Criminal Justice (Scotland) bill, currently at stage 2. The Bill</p>	

will be picked up again after 30<sup>th</sup> August.

GIRFEC model – universal system of child wellbeing – evidence from Mary Fee’s research suggests it is not clear how this universal system of child wellbeing will interact with the courts, police and children affected by parental imprisonment. Therefore, Barnardo’s has worked with Mary to come up with two amendments to the bill:

1. A child’s named person must be informed when a child’s parent is imprisoned. Without this link between the police and a child’s named person, the GIRFEC system will fail. It is not clear at the moment what the police’s link with GIRFEC will be – whilst it is not the child themselves that is being arrested, interviewed etc., it is a dependent child. The aim is to find out if GIRFEC is going to work for children affected by parental imprisonment.
2. The amendment would ensure that a child’s best interests are also considered when their parent/carer is arrested, held, interviewed or charged. Children have rights, and children’s rights must be paramount. It only looked at children’s rights when it was discussing a child’s interaction with the justice system – it didn’t take into account the rights of the children who have parents in the criminal justice system.

Mary Fee put forward a series of amendments supported by the cross party group and a whole range of organisations in the Children and Young People’s Act process. These amendments did not find favour with the government, which said that children affected by parental imprisonment would have their needs recognised in the guidance to the bill rather than in primary legislation. There is a role for Mary and for the CPG to hold the minister to account to make sure that what was promised about children affected by parental imprisonment actually appears in the final guidance. There have been very positive words from the minister this far, but it is still a process the Cross-Party Group can be involved in – reminding the minister, civil servants and all those drawing up the guidance.

The Community Justice (Scotland) bill has just been introduced and discusses how we are going to move the Community Justice Authorities (CJAs) into closer alignment with the CPP structure. A lot of opportunities for making sure the specific needs of children affected by parental imprisonment are included. The call for evidence is out now, after which there will be a stage one and an opportunity for us to discuss as a Cross-Party Group what we might say on that sometime in the autumn.

The Education Scotland Bill is also going at some speed through the parliamentary process. There is an element of Mary Fee’s legislation, ‘additional support for learning’, which could fit into that legislation. There may be an opportunity for the CPG to support Mary on that.

The Scottish Government have committed to a second Criminal Justice Bill – not yet clear what will be in this bill, but it looks like it will cover some of the commitments which have been made around release, probation. May be an opportunity for Mary working with the other MSP, and with support from the CPG members, to introduce further amendments.

In conclusion, there are a range of things that the CPG can do:

- Opportunities to get behind Mary Fee’s amendment to the Criminal Justice bill
- Opportunities for us to discuss further amendments to the Education Scotland bill, the Community Justice bill, and the GIRFEC guidance. Having the CPG make a collective intervention on both pieces of legislation would also be helpful
- The next 12 months will be a very busy time as there’s so much legislation to get through

It would be useful if the CPG could write to the Convenor of the Justice Committee to highlight the CPG’s support for the issues that Mary Fee has raised.

One of the key elements in getting a bill to the next stage of the process is getting as many MSPs

**Secretariat: write to Justice Cmte**

<p>as possible to sign up in support of it. Members of the CPG could usefully write to their individual MSPs to ask them to come along to the event and hear more about the bill, explain why it matters to you as their constituent. This is an opportunity for members of the CPG to make a real difference.</p>	<p><b>CPG members: write to MSPs</b></p>
<p>Marl Ballard offered to run a workshop on ‘how to interact with parliamentary processes’ for CPG members, which Families Outside offered to host. If Mary lodged the bill at the beginning of September, and we had an event a few weeks later, the CPG could draft a template email to be sent to MSPs. There is a facility on the Scottish Parliament website where you can find the address of your constituency MSP and your regional list MSPs – you could send something off to them and fill in the gaps to explain why it was particularly important to you, why you would like them to come along etc.</p>	<p><b>Follow up re: workshop</b></p> <p><b>Mark Ballard: draft template email</b></p>
<p>CPG members could usefully circulate their responses to consultations re children affected by parental imprisonment, so that everyone could see what is being said and copy and paste as appropriate.</p>	<p><b>CPG members: publish consultation responses</b></p>
<p>Responses to Mary Fee’s bill will be published before the end of this month (see Scottish Parliament website and Mary’s website) and be circulated to CPG members.</p>	<p><b>Daniel Cairns: publish and circulate responses to consultation on Mary’s Bill</b></p>
<p>One member noted that sibling imprisonment is also an issue but that the legislation only refers to parental imprisonment.</p>	<p><b>CPG: invite Police Scotland to address a future meeting; further suggestions for topics to Mary or Nancy</b></p>
<p>A Falkirk Council Criminal Justice Team Worker noted that the police’s vulnerable person document outlines the SHANARRI principles (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included) and that the practice in their area would be a good way forward: anybody who is in the police cells is interviewed so they know if children are involved. And can contact the children and families team with any concerns. If the police have gone to the house and children have been involved during the arrest, this is noted in the vulnerable person document.</p>	
<p>Mark Ballard noted this good practice and that it should be carried out across the whole of Scotland. GIRFEC has a much wider vision of child wellbeing, which is a significant shift from child welfare and child protection.</p>	
<p>The group noted other pockets of good practice that had yet to be implemented across Scotland and agreed to invite someone from Police Scotland to address the CPG about this, and to link this discussion into the discussion of the Community Justice Bill. The group also noted that further suggestions for topics would be welcome and should be sent to Mary Fee or Nancy Loucks.</p>	
<p>Janice McGowan (family member) asked how best to encourage family members to come to the CPG and get involved – important for families’ voices not to get lost and for it to become all about legislation and a ‘talking shop’ for people who work with families. It’s up to organisations working with families to let people know and encourage more people to come along, rather than it always being the same people. If somebody came to a meeting like this [about legislation] they would be thinking ‘I’m not going back to that’.</p>	
<p>At Margaret MacDougall’s request, Janice said that topics that might interest families are what’s happening to them at the minute – when they’re visiting the prison, how it’s affecting their kids, how they’re treated by the prison. She was happy that the CPG is trying to make things better for the future but reminded the group that people are living this at the moment, that it’s affecting them at the moment, and that it would be good to hear different voices.</p>	
<p>The group discussed how to advertise the work of the CPG and particularly how to reach families to get them involved. One participant suggested that the CPG meet in various locations to enable more family members to attend. Margaret MacDougall said she would need to check the standing</p>	

<p>orders on rules for the CPG, as she thinks they must meet within the Scottish Parliament.</p> <p>Janice McGowan said it's not just about liking meetings or not but also the cost and being brave enough to come into the Scottish Parliament, which can be very daunting.</p> <p>Christian Allard MSP said MSPs can meet with smaller groups, going out to meet in a private setting and talk to people about their concerns. MSPs hold surgeries for people to come in and chat for 10 minutes etc., and talk about a particular topic.</p> <p>Janice McGowan said a lot of people with a family member in prison don't want to talk about it, but if they have immediate problems, then who do they turn to? If they see something wrong in the system they're involved in, this group is the ideal opportunity for them to come and say it – but they feel held back.</p> <p>Margaret MacDougall noted that it's very often through support workers that families can voice their concerns and highlighted the work of Families Outside at facilitating meetings and group events to give families an opportunity to meet and to meet with members of the CPG.</p>	
<p><b>Memorandum of Understanding</b></p>	<p><b>Action</b></p>
<p>Nancy Loucks highlighted a Memorandum of Understanding from Italy between the Ministry of Justice, the Children's Commissioner, and Bambinisenzasbarre (one of Families Outside's partner organisations in Italy, which translates as 'children without bars'). Children of Prisoners Europe (COPE) proposes that this could be used in other European countries to help children affected by parental imprisonment. Feedback from families and those at the CPG representing families would be helpful to determine whether this the type of thing we should be trying to take forward in Scotland.</p>	<p><b>CPG members: feed back re: taking forward the MoU in Scotland</b></p>
<p><b>AOB</b></p>	
<p>“Not my crime, still my sentence” – June is the Children of Prisoner's Europe campaign month. Google this and click to show your support for supporting children of prisoner's in Europe. Their site also has some short videos exploring children's feelings about parental imprisonment.</p> <p>Families Outside Ceilidh – 11th June – Raising money for Children and Families affected by imprisonment.</p> <p>Families Outside Conference, 1<sup>st</sup> December, Perth Concert Hall – By Families, For Families. We are trying to get as many families involved in the planning and delivery of the conference. If anyone is working with families who may be interesting in contributing, please let Families Outside know.</p>	<p><b>CPG members: support COPE campaign</b></p> <p><b>CPG members: let families know about the opportunity to get involved in the FO conference</b></p>

**Date of Next Meeting: TBC [now confirmed as 9 September from 1-2pm]**