

## Action for Prisoners' Families Response to Breaking the Cycle Green Paper

Action for Prisoners' Families is the national organisation for those interested in the well-being of prisoners' families. APF works to reduce the negative impact of imprisonment across several sectors including education, health, social care as well as criminal justice. Our membership consists of over 400 individuals and organisations working in the voluntary, public and private sector all of whom are interested in the welfare of the families of prisoners and offenders.

APF works to minimise the harm imprisonment causes to children and families by:

- promoting and supporting the development of services for prisoners' and offenders' families
- promoting best practice through training and awareness raising,
- producing publications and resources for prisoners' and offenders' families, children and practitioners,
- providing a specialist information service and by
- acting as a voice for our members to influence policy at a national and local level.

- It is estimated there are about 160,000 children with a parent in prison every year. This is two and a half times the number of children in care and six times the number of children on the child protection register.
- 54% of prisoners interviewed for a recent survey had children aged under 18 when they entered prison. 74% of these prisoners agreed or strongly agreed they felt close to their family, and 82% felt they had let their family down by being sent to prison<sup>1</sup>.
- Only 9% of children whose mothers are in prison are cared for by their fathers in their mother's absence.<sup>2</sup>
- Only half of the women who had lived, or were in contact with, their children prior to imprisonment had received a visit since going to prison<sup>3</sup>.
- 25% of young men in young offender institutions are, or are shortly to become, fathers.<sup>4</sup>

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<sup>1</sup> Ministry of Justice (2010) Compendium of re-offending statistics and analysis, London: Ministry of Justice

<sup>2</sup> The government's response Baroness Corston report: A review of Women with Particular Vulnerabilities in the Criminal Justice System, December 2007

<sup>3</sup> Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit<sup>3</sup>  
Ministry of Justice (2010) Compendium of re-offending statistics and analysis, London: Ministry of Justice

<sup>4</sup> The government's response Baroness Corston report: A review of Women with Particular Vulnerabilities in the Criminal Justice System, December 2007

- HM Chief Inspector of Prisons found “a greater awareness in women’s prisons of the need to ask about care for dependents, but little awareness in men’s prisons that men may have similar concerns.”<sup>5</sup>
- Just a third of children and young people in custody said that it was easy or very easy for a loved one to visit them.<sup>6</sup>

We are pleased to note the Green Paper’s acknowledgment of the importance of family relationships in reducing reoffending and preventing intergenerational crime. These proposals would also benefit from making explicit other ways in which families can play an important role in supporting offenders.

A criminal justice system that takes into account the needs of offenders’ and prisoners’ families and which benefits from the contribution they can make to successful rehabilitation will help to deliver the right result for communities. This would be achieved both by helping to protect the public from crime and by minimising the cost of dealing with the disadvantage to families caused by criminal justice. Families are the forgotten secondary victims of crime.

Healthy family relationships play an important part in preventing drug and alcohol misuse. Conversely, where family members are also misusing drugs or alcohol they may impede the rehabilitation of offenders particularly where newly drug free prisoners return home.

We welcome proposals to adopt Lord Bradley’s approach to improving mental health outcomes for offenders. Secure family relationships play an important part in regaining and maintaining mental health and in managing on-going mental health problems. We also welcome better partnerships between the Ministry of Justice and Department of Health which result in offenders being diverted into treatment rather than prison are timely.

We welcome proposals to introduce a full working week in more prisons. A living wage would enable prisoners to make a financial contribution to their families, maintaining a sense of responsibility as well as reversing the current drain on family income. Currently prisoners’ ask their families to pay for clothes, sweets, tobacco and other expenses. Realistic wages would allow prisoners to pay for telephone calls, (currently disproportionately expensive in prison) and stamps in order to maintain contact with their families. Women in prison should not work full time at the expense of learning skills that would help them provide for their families on release.

We welcome proposals for community sentencing, including curfews, which enable offenders to continue living with their families or to maintain better contact with them where they do not share the same address. Curfews and other bail restrictions are a welcome alternative to remands and keep families together. However, the use of curfews should take into account the impact on all those resident in the family home. Family life can be placed under considerable strain if an offender is confined to the home for extended periods every day perhaps receiving numerous unwelcome

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<sup>4</sup> Ministry of Justice and Department for Children, Schools and Families, Children of Offenders Review, June 2007

<sup>5</sup> HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London HMIP

<sup>6</sup> Parke, S., (2009) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2006-2008, an analysis of the experiences of 15-18 year olds in prison, London : HMIP

visitors which they would have normally met elsewhere. We also welcome the avoidance of custodial sentences through the use of financial penalties.

Removing the option of remands in custody for defendants who are unlikely to receive a custodial sentence is a welcome innovation and will prevent the loss of home, job and children which happens particularly to women offenders who find themselves in remanded in prison for a matter of weeks. More community rather than custodial penalties, and a greater use of bail rather than remands in prison all avoid the unnecessary separation of families and loss of housing which causes socially costly hardship.

Sentencers should be fully informed of the impact any sentencing decision will make on the offender's dependents so that harm to the family is minimised.

Community punishments that offenders can not comply with due to their caring responsibilities result in expensive breach proceedings and unnecessary imprisonment.

As shown by the Resettlement Surveys of 2001, 2002, and 2004 prisoners with family ties are more likely to report having both housing and a job to go to on release, thus reducing the problems which housing, employment and other services face when working with them in the community. Primary carers on release from prison may not be eligible for suitable housing because their children are not living with them but cannot have their children to live with them because they do not have suitable accommodation. This means accommodation not employment is the major concern for women leaving custody.

Many specialist providers of services for prisoners' and offenders' families are very small but are excellent examples of the Big Society and have thrived with grant funding. Any new funding arrangements should ensure that these cost effective and innovative services are not disadvantaged, restricted or eliminated.

We would like to see an end to the use of indeterminate sentences for public protection and welcome any restriction on their use. Individuals subject to IPP's have higher levels of mental distress than other prisoners. They and their families are distressed and frustrated by the lack of information<sup>7</sup> about this sentence and are unable to plan for the future as they have no release date, all of which hampers successful rehabilitation.

Outcomes focussed standards and performance management have the potential to improve family ties, promote the active contribution that families can make to rehabilitation and to family welfare. If rehabilitation is identified as the key outcome for prisons and probation they will have to ensure that the way they operate does as little damage to families as possible, that families are actively involved in sentence planning and that they provide interventions, and services that promote and foster good family relationships.

The general public are generally unaware of the true price of sending someone to prison assuming it to be only the actual cost of a prison place. The new economic foundation (nef) analysed the adverse consequences on mothers imprisonment on their children. As children of prisoners have treble the incidence of mental health problems as the general population, nef assessed the costs to the children and the

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<sup>7</sup> Sainsbury Centre for Mental Health In the Dark The mental health implications of Imprisonment for Public Protection.

state at £17 million over ten years. The main social cost for the children of imprisoned women results from their increased likelihood of them becoming “NEET” (Not in education, employment or training). If mothers can serve their sentence in the community their children are less likely to become problem drug users or involved in crime, which results in more government savings<sup>8</sup>. Another study in 2007 found that due to the profound impact of imprisonment on the families of prisoners the services provided by the statutory and voluntary sector were estimated to be £4810 per family<sup>9</sup>. Families often do not understand prison sentences, causing uncertainty and distress and undermining family ties.

We welcome the commitment to maintain properly resourced multi-agency Youth Offending Teams –including family support, parenting orders and other support for parents to improve their family relationships and parenting skills. Making local authorities responsible for cost of custody for young offenders is welcome and perhaps should be extended to women in prison too.

We welcome continued support for problem solving approaches aimed at tackling reoffending and specialist domestic violence court systems. Active partnership with families can improve problem solving and decision making.

### **Proposals**

1. Measures of the social and economic costs of crime should take into account the disadvantage experienced by families of offenders. Criminal justice policy should be structured so as to minimise this disadvantage.
2. Families should be actively engaged in sentence planning so that practitioners benefit from family members’ special insights into offenders and their circumstances. This will help to ensure that resources are allocated effectively.
3. Where prisoners’ or offenders’ families are misusing drugs or alcohol, they should be offered appropriate treatment. Families should be informed of any treatment a prisoner is receiving so they can form a supportive partnership with the prison.
4. Where poor family relationships are causing or exacerbating an offender’s mental health problems these should be addressed.
5. Prisoners should be paid at least the national minimum wage for work in prison so they can contribute to, rather than depleting their families’ finances.
6. Sentencing should take into account impact on offenders’ families in order to minimise harm.
7. Family Support Workers should be attached to prisons as piloted by NOMS and DfE so that they can help with suitable housing arrangements for primary carers on their release from prison. Offender managers and supervisors should consider family ties when providing housing advice.
8. All interventions to preventing reoffending, including those around domestic violence, should always consider working in partnership with families.

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<sup>8</sup> New economic Foundation (2008) Unlocking Value: How we all benefit from investing in alternatives to prison for women offenders, London: new economics foundation

<sup>9</sup> Smith et al (2007) Poverty and disadvantage among prisoners’ families: Joseph Rowntree Foundation

## **Responses to specific questions**

**Q8.** Central government should promote research on factors affecting rehabilitation such as strong families. They should promote the development of evaluation tools that can demonstrate the effectiveness of interventions, such as family support, which cut across outcomes for different sections of the community (eg an effective family intervention might reduce reoffending, prevent intergenerational offending, improve mental health, improve educational attainment and prevent homelessness).

**Q11** A recovery approach that acknowledges the importance of the family would benefit from attaching Family Support Workers to prisons as currently being piloted by NOMS and DfE. This would enable better communication between the services supporting families locally and prison drug recovery wings.

**Q13** A recovery approach that acknowledges the importance of the family should include graduated residential support that supports and develops helpful relationships without placing too great a burden on families too soon.

**Q14** Equal treatment for women and men in the criminal justice system, and especially by prisons, does not result in equality of outcome. This green paper gives very little discussion to specific proposals for women. Women prisoners are more likely to be primary carers of children and vulnerable adults. The profound impact of imprisonment on families should be taken into account when sentencing. There should be a presumption of bail for women: many women having been remanded in custody subsequently receive community penalties or are acquitted. Community penalties allow women to keep their jobs and other responsibilities rather than being infantilised by the prison system. We support the Corston recommendation that suitable, geographically dispersed, small, multi-functional custodial centres should be established for women when a custodial sentence is essential to protect the public. The current rerolling and closure of women's prisons as the population decreases will mean that women will be held increasingly far from home unless new smaller units are made available. Decisions as to the age at which children are no longer able to reside with their mothers in Mother and Baby Units should be evidence based.

**Q29** Standards and performance management should identify rehabilitation as a major outcome for prisons and probation. Decisions about criminal justice operations should balance the requirements of rehabilitation and security. Security measures should be developed and employed to ensure that rehabilitative interventions and services including support for family ties can be as effective as possible.

**Q31** Grant funding for small specialist service providers should remain as part of the funding mix.

**Q35** Support and information about prison sentences should be accessible to families in all courts. Calculations on the costs of crime to the community should be made public including the impact and consequent costs of imprisonment on the families of prisoners.

**Q36** We welcome courts having more flexibility in how they use suspended sentences, but do not want this flexibility to result in defendants being "uptariffed" unnecessarily. This proposal would allow courts the opportunity to consider the effects of their decisions on offenders' families. The introduction of family impact statements would help courts to make these decisions.

**Q37** Active engagement of offenders' families in sentence planning would help to make community sentencing effective in preventing persistent offending. If the family is a causal factor in persistent offending the probation service should work in partnership with family services.

**Q51** Young offenders are often excluded from the family home because of their problematic behaviour. Work to support improvement in family relationships and support for the families themselves to enable these young people to live at home would help to reduce the use for custodial remands for this group.

**Q58** The following would support family relationships:

- Including the support needs of prisoners' and offenders' families when calculating the costs of crime to inform policy making and commissioning
- Partnership and consultation with prisoners' and offenders' families and those who work with them to develop local and national policy affecting them
- Guidance to policy makers on how to ensure that arrest, remand and sentencing processes and priorities minimise harm to family ties and family welfare
- Guidance to criminal justice and family welfare commissioners on the importance of partnership work in reducing reoffending and family support services. The development of measures of outcomes that enable cross cutting service providers to demonstrate impact
- Support and information available and accessible to families at all courts
- Opportunity for defendants to submit family impact statements to inform sentencing decisions
- Simple, statutory processes to check the whereabouts and welfare of children and vulnerable adults whose carers are imprisoned
- First night advice for prisoners that includes information about supporting and maintaining contact with families.
- Active engagement of families in sentence planning
- Collection and publication of data on the numbers of families affected by imprisonment and other sentences. These statistics (but not personal details) should be supplied to the local authorities where these families live.
- The initial training of prison and probation officers to include awareness of the importance of family ties to successful rehabilitation and how families of prisoners and offenders are affected can be helped.
- An efficient accessible and consistent prison visits booking system
- Collection, collation and publication of data on prison visits
- Realistic and accessible help with the cost of visiting for family members with low incomes including those who are old or disabled.
- A comfortable, welcoming visitors' centre at every prison providing information, support, warm food and other refreshments,
- Family friendly visits provision in prisons
- Where there may be safeguarding concerns about children visiting imprisoned parents any decisions made should be timely and evidence based. They should also take into account the rights of a child to family relationships
- Suitable, geographically dispersed, small, multi-functional custodial centres for women
- Facilities for all babies to live with their mothers where appropriate.
- Adequate staff/prisoner ratio in prison to enable quality family contact with appropriate security measures.
- Community based support groups for prisoners' and offenders' families.
- Specialist, skilled Family Support Workers working through visitors' centres and community based prisoners' and offenders' family support groups

- Provision of relationship support interventions to prisoners, offenders and their families in prisons and community settings e.g. children's centres
  - Parenting support for the families of young offenders and interventions in prisons and community settings (e.g. children's centres) to rebuild broken relationships.
  - Training available for children's and adults services to raise awareness of the issues facing prisoners' and offenders' families so that they can take their needs into account even when they are unaware of which individuals are affected.
  - Destigmatising prisoners' and offenders' families by normalising the discussion of issues affecting them or making open offers of help at schools, children's and health centres,
  - Opportunities for prisoners and offenders to earn wages so they can meet their own needs and their financial responsibilities for their families.
  - Affordable means of communication for prisoners e.g. a reduction in the cost of telephone calls from prisons and stamps always being sold singularly (rather than in books) in prisons
  - An approach to mental health, drug and alcohol treatment for prisoners and offenders that engages with families
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