

# NICCO: Assisting court staff to support defendants' children and families



'He wouldn't go to school. He came to court with us.'<sup>1</sup>

Offenders' children are often not considered during sentencing<sup>2, 3</sup>

Find out how to support offenders' children and their families

Visit our professionals' website

**[www.nicco.org.uk](http://www.nicco.org.uk)**



Barnardo's Registered Charity  
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## Who are we?

The National Information Centre on Children of Offenders – NICCO (formerly i-HOP) is a service that supports professionals to work effectively with offenders' children and families. NICCO collates and promotes examples of services, interventions, resources, policy and research around this vulnerable group.

Barnardo's was originally commissioned by the **Department for Education** in 2013 to develop this service as an online information hub with a focus on England ([www.nicco.org.uk](http://www.nicco.org.uk)). The service is targeted at all professionals who come into contact with offenders' children and their families, from various sectors including education, health and social care as well as the criminal justice system.

- 1 Jones et al (2013) *COPING Children of Prisoners, Interventions & Mitigations to Strengthen Mental Health*, University of Huddersfield
- 2 Prison Reform Trust and Pilgrim Trust (2014) *Brighter Futures, Working together to reduce women's offending*
- 3 Children's Rights Alliance for England (CRAE) (2014) *State of Children's Rights in England*

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**“We was there when he got locked up.”**

7 year old girl<sup>1</sup>

It is estimated that there are 200,000 children a year that experience the imprisonment of a parent in England and Wales<sup>2</sup> and even more that suffer the impact of other aspects of the criminal justice system (CJS). Research shows the impact that this can have on these children and families – isolation and poor financial and health outcomes. However there is still no systematic collection of data about these children or rigorous identification of who they are or how to ensure their needs are met.

## Children, families and courts

**He wasn't allowed in the court. He just sat on the balcony...and said, “...my dad knows I'm outside, I'm here for my dad”...he lost...(a) lot of schooling.”**

Non-imprisoned mother of 13 year old boy.<sup>3</sup>

Courts can be intimidating and confusing places for the innocent children and families of defendants, especially on their first visit. The stigma that these families often face in the community can lead to increased anxiety when attending court, especially if there is public and media interest in the case. Attending court can also be disruptive to the daily lives of families who may have to take time off school or work. The uncertainties involved in court processes such as adjournments and long waiting times can put extra strain on children and their carers. Further, in the court room, listening to legal language and witness statements can be tedious and for some, hearing the details of a loved one's crimes can be very distressing. Defendants' children and families who testify in court may be particularly anxious.

Research shows that judges often do not consider the best interests of the offenders' children when sentencing. For example, the immediate imprisonment of a parent could mean the care of children is not considered. This can be especially detrimental for female offenders who are often primary carers.<sup>4,5,6</sup>

**“I felt HMCTS could do a bit more to help (defendants and their families)”** HM Courts and Tribunal Service manager.<sup>7</sup>

As children and families may be anxious about attending court it is important that staff are helpful and conscientious. Court receptionists and ushers are well placed to offer clarity around



procedures as well as signpost families to support agencies. Such information can also be provided on notice boards. It can be a great help for families if there is a child friendly space to visit during long waiting times such as a family room in the court.

It is essential that judges and magistrates consider the rights and wellbeing of offenders' children when sentencing.<sup>8,9</sup> Measures such as asking whether a defendant cares or has responsibility for any children, consulting pre sentence reports, considering community orders or granting bail before remand can help to ensure children have immediate and appropriate care and support in place and can relieve anxiety in offenders and their families. Courts are also well placed to gather data around numbers of defendants' children in order to develop a bigger picture of who and what these children's needs are.

## How can NICCO support professionals in court to work with the children and families of defendants?

**“We need to include (NICCO) awareness objectives into mandatory magistrate service training.”** Magistrate, (NICCO) event evaluation.

Many voluntary sector organisations, including Barnardo's and Pact are campaigning nationally for courts to ask about defendants' children at the point of sentencing. This will help to ensure they receive appropriate support and also develop better understanding of the numbers and needs of the children of offenders. The Children's Rights Alliance for England implores courts to ensure

children have appropriate care in place before or after sentencing.<sup>10</sup> In addition, the Cortson Report and Female Offenders Review highlight the importance of ensuring the rights and wellbeing of female offenders' children are considered during court proceedings and sentencing.

### Examples of existing practice

The **Thames Valley Partnership** have supported over 350 families by providing information about local services and CJS processes at volunteer run **information desks** in 3 courts across the Thames Valley. The volunteers are also on hand to offer emotional support to families.

**Court to Custody** is a helpful **leaflet** from Prisoners Friends and Families Support Service. It explains the processes from arrest and remand through to potential sentencing and prison reception and has a particular focus on what happens in court.

**“Easy to access, read and understand information which informs staff of the practices in place”** (NICCO user)

NICCO is a national one stop information and advice service for all professionals working with children and families of offenders. It brings together information that can support professionals to consider and work effectively with children and families of defendants in court settings:

- details of local and national **services** that work specifically with the children and families of defendants and offenders
- multi-agency **training** for professionals
- **research** into the impact of court processes and outcomes on children and families

- **resources** for professionals and family members to help develop knowledge of the impact and practicalities of the courts and CJS
- existing multiagency **strategies** being used by local authorities
- **guidelines** to support staff to incorporate children's rights based policy in their practice

NICCO recognises that professionals work in busy environments with demands on their time. NICCO puts all the resources in one place so help and information is there when it's needed. Sign up to become a member for FREE to receive our e-newsletter. [www.nicco.org.uk](http://www.nicco.org.uk).

**Please visit [www.nicco.org.uk](http://www.nicco.org.uk) for more information or contact [nicco@barnardos.org.uk](mailto:nicco@barnardos.org.uk)**

#### References:

- 1 Gill, O (2009) *Every Night You Cry: Case studies of 15 Bristol families with a father in prison*, Barnardo's
- 2 Williams et al (2012) *Prisoners' childhood and family backgrounds: Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners*, MOJ
- 3 Jones et al (2013) *COPING Children of Prisoners, Interventions & Mitigations to Strengthen Mental Health*, University of Huddersfield
- 4 Epstien R, (2014), *Mothers in prison: The sentencing of mothers and the rights of the child*, The Howard League
- 5 Minson, S (2014) *Mitigating motherhood: A study of the impact of motherhood on sentencing decisions in England and Wales*, The Howard League
- 6 Children's Rights Alliance for England (2014) *State of Children's Rights in England*
- 7 Made in Bristol TV, (2015) <https://www.youtube.com/watch?v=iRoC1r8iFpk>
- 8 Prison Reform Trust and Pilgrim Trust (2014) *Brighter Futures, Working together to reduce women's offending*
- 9 Children's Rights Alliance for England (CRAE) (2014) *State of Children's Rights in England*
- 10 Ibid.

## Visit NICCO

Visit [www.nicco.org.uk](http://www.nicco.org.uk) to find out more and discover resources to support families and professionals in courts. Sign up to become a member to receive free regular e-newsletters.



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