

Children
of Prisoners

Fixing a broken system

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Foreword



Throughout my career, I have sought out issues that are filed under ‘too difficult to deal with’: issues that make some policymakers shift uncomfortably in their chair and nod vaguely in the direction of ‘someone else’s responsibility’.

The plight of children of prisoners is one such issue.

When the criminal justice system and the courts put a parent in prison, it generates problems for the child(ren), family members, schools and children’s services. But the two arms of the state don’t speak to each other. There is no system to facilitate communication between the courts which sentence people and bodies with responsibilities for children. It is not beyond the wit of public services to join the dots, and the impact on the welfare of children would be profound were they to do so.

Custody is necessary and important for public protection, including where the family themselves are the victims of a parent’s crimes. There are circumstances where the child’s welfare necessitates their separation from that parent. But when that is not the case, it should not be so hard for children and their families to survive the effects of parental imprisonment.

The parent left behind, normally the mother, is left to deal with the consequences — explaining what’s happened to the children (or asking them to keep it quiet), then to the school; trying to keep their heads above water, and managing the impact on the children of losing a parent suddenly. She may fear seeking help due to worries about losing her children to the care system. Families can themselves feel punished and blamed for the parent’s crime.

A communication from the court to the council’s children’s services is not the whole story, but could be a simple way of lessening the chances of a family struggling to cope on their own.

A focus on the children left behind would also help break the intergenerational cycle of crime. The evidence of poor outcomes for children of prisoners is stark: they are, in many cases, condemned to follow in their parent’s footsteps — 65% of sons of prisoners end up in the criminal justice system themselves with all the attendant social and economic costs. These children should be on the radar of public services with professionals checking in with families, ensuring needs are identified and met, targeting support to those most at risk.

Crest’s report is a huge help for policy-makers for three reasons:

- It looks at the issue of parental imprisonment from the point of view of children and child- and family-focused services, rather than the offender and criminal justice system.
- Crest’s methodology estimates that 312,000 children are affected by parental imprisonment each year, a number way in excess of the estimate that has been in use for over a decade now, and taking the changes in the prison population and the profile of that population into account.
- It makes recommendations for a national strategy for the children of prisoners: a proper communication mechanism between the courts and local early help and safeguarding services is a starting point for a comprehensive approach aimed at breaking the cycle of intergenerational offending.

This report makes it clear that action is needed and makes straightforward recommendations about that action. I hope that the children whose parents are in custody can look forward to a better future because of it.

Dame Louise Casey DBE CB
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Summary

Every local authority has a responsibility to protect and promote the welfare of children in need in its area. However, children who have a parent in custody are not regarded as a vulnerable group by definition of their parent's incarceration. They are an invisible group.

There is no system for identifying such children at the point of sentence and therefore no robust arrangements for ensuring that at this traumatic point in a child's life, our public services are able to step in and check on their welfare. We are therefore missing the chance both to address the immediate needs of those children, and to tackle the long term risks to their life chances which losing a parent to custody entails. This is despite the well established evidence of the multiple disadvantages experienced by children who have a parent in custody and the poor outcomes which they face: studies show over two thirds of prisoners' sons go on to offend themselves.¹ It is clear that the current ad hoc arrangements are simply not fit for purpose.

Whether our justice system sends a mother or a father to prison, it relies on whoever is left on the outside to pick up the pieces. The vast majority of those parents sentenced to custody will be fathers, and we therefore largely rely on mothers to seek help, or on so-called 'disclosure' by the offender that they are a parent. This is not a reliable route by which to ensure that children get help, due to the widely-held view by families that their children could be taken into care. The absence of a system to identify children in these circumstances flies in the face of all existing policy imperatives around safeguarding and improving life chances for children.

We have relied for years on an estimate of 200,000 children being annually affected by parental imprisonment in England and Wales, which is based on data that is a decade old. Crest has developed a more rigorous estimate of 312,000 children (see figure 1) which not only reflects changes in prison numbers over the last 10 years, but also draws on data relating to the age distribution of the children of prisoners, and distinguishes between the number of children affected by their mother or father going to prison. This updated figure should be a wake up call for policy makers and service providers nationally and locally.

Crest is calling on the Government to ensure that children in this situation do not remain invisible, and to develop a national strategy for children of prisoners which should include as a priority a requirement that courts notify the relevant local authority when a parent is sentenced to custody, so that a child's needs can be assessed.

¹ Farrington, D. P., Barnes, G. C., & Lambert, S. (1996). The concentration of offending in families. *Legal and criminological psychology*, 1(1), 47-63.

The context

A substantial body of research highlights that children of prisoners are at risk of significantly worse outcomes than children not affected by parental imprisonment. The practical and immediate effects of parental incarceration on children are also numerous and far-reaching. These include an emotional impact (e.g. anger, sadness at losing a parent), an educational impact (e.g. having to miss school due to prison visits), a financial impact (e.g. loss of a parent's income) and a practical impact (e.g. losing the family home, change in caregiver).

Longer term, children with a parent in prison are twice as likely compared to other children to experience conduct and mental health problems; are less likely to do well at school; and are more likely to be arrested and imprisoned themselves in later years.²⁻⁵

There are a number of moderating factors which may affect the impact of parental imprisonment, such as the parent-child relationship before imprisonment; the quality of the child's relationships with other family and extended family members; individual characteristics such as resilience; and wider social factors such as socioeconomic status.⁶

However, parental imprisonment is acknowledged as an adverse childhood experience (ACE), with recent research showing that parental imprisonment is associated with a fivefold increase in exposure to other ACEs.⁷ Comparisons between the childhood experiences of general population children to those of current prisoners also reveal strong intergenerational patterns.^{8,9}

Despite a lack of research which directly compares differences in the experience of children having a father compared to a mother go to prison, the research literature commonly suggests that the imprisonment of a mother is more damaging for a child's later outcomes than the imprisonment of a father.¹⁰ This may be due to a number of reasons including mothers in prison being more likely to be primary caregivers and/or be sole parents than fathers in prison, meaning maternal incarceration is likely to have a more disruptive effect on children compared to paternal incarceration.^{6,11}

It might be argued that parental imprisonment could be a positive event in families where the relationship with the incarcerated parent was problematic, or the parent was not a consistent figure in the child's life. However, looked at from the perspective of the child, the incarceration of a parent is invariably a loss, with potentially traumatic consequences, regardless of the level of contact prior to sentencing.

² Murray, J. (2003). *Fathers in Prison*. University of Cambridge: Institute of Criminology.

³ Loureiro, T. (2010). *Perspectives of children and young people with a parent in prison*. Edinburgh: SCCYP.

⁴ Rakt, M. V. D., Murray, J., & Nieuwbeerta, P. (2012). The long-term effects of paternal imprisonment on criminal trajectories of children. *Journal of Research in Crime and Delinquency*, 49(1), 81-108.

⁵ Comfort, M., Nurse, A. M., McKay, T., & Kramer, K. (2011). Taking children into account. *Criminology & Public Policy*, 10(3), 839-850.

⁶ Murray, J., & Farrington, D. P. (2008). The effects of parental imprisonment on children. *Crime and Justice*, 37(1), 133-206.

⁷ Turney, K. (2018). Adverse childhood experiences among children of incarcerated parents. *Children and Youth Services Review*, 89, 218-225.

⁸ Department for Business, Innovation and Skills, National Offender Management Service (NOMS), Policis, Kingston University and Toynbee Hall. (2014). *Parenting and Relationship Support Programmes for Offenders and Their Families*. London: Policis.

⁹ Williams, K., Papadopoulou, V., & Booth, N. (2012). *Prisoners' childhood and family backgrounds: Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners*. London: Ministry of Justice.

¹⁰ Kruttschnitt, C. (2010). The Paradox of Women's Imprisonment. *Daedalus*, 139(3), 32-42.

¹¹ Prison Reform Trust. (2018). What About Me? Available at: <http://www.prisonreformtrust.org.uk/portals/0/documents/what%20about%20me.pdf>

Why the current system is not fit for purpose

Findings demonstrating the negative effects of parental incarceration on children create a strong case that a parent going to prison should be a red flag for services to check on the wellbeing and support needs of the child or children in that family. However, no such red flag currently exists – at present, children are not systematically identified or assessed when a parent goes to prison, meaning children of prisoners remain an ‘invisible’ group.

As a result, there is no record of who, or even how many of these children there are, let alone an estimate of what their needs are. This is despite the fact that parental imprisonment presents a distinct opportunity for early intervention, and that the imprisonment of a parent is squarely a safeguarding issue. This is clearly a fundamental failing in a system that should have processes in place to identify and support this particularly vulnerable and hidden group of children.



How big is the problem?

Given the substantial amount of research showing that parental imprisonment is a significant developmental risk factor for children,¹² it is important to understand the scale of the need, particularly when developing sufficient and appropriate services or interventions to mitigate the risks.

Currently used estimations, based on data from 2008, put the number of children of prisoners in England and Wales at 200,000. However, the continued growth in the prison population¹³ is likely to be associated with an increase in the number of children affected by parental imprisonment, and updated estimates will need to reflect such trends.

To address this, Crest commissioned some further work based on new techniques that simulate the number of people going through the criminal justice system in England and Wales, to gain a better estimate and understanding of the scale of need for prisoners' children. The data simulation showed that there are significantly more children - an estimated **312,000** - affected by parental imprisonment than previously thought (see figure 1). The simulations incorporate changes in the prison population over time, and provide projections up to 2040. Separate results are given for male and female prisoners (see figure 2).

The gap between the previous estimate and the updated figure, and the subsequently adjusted scale of the problem, both provide a powerful incentive for reforms that aim to better identify and support this hidden group.

¹² Murray, J., & Farrington, D. P. (2008). The Effects of Parental Imprisonment on Children. *Crime & Just.*, 37, 133-206.

¹³ Prison Reform Trust. Bromley Briefings Prison Factfile: Autumn 2017. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642551/david-lammy-economic-paper-short-summary.pdf.

Current policy landscape and provision for children of prisoners

Information gathering and assessments are undertaken at numerous points during offenders' journeys through the criminal justice system. However, information relating to the families of offenders is collected inconsistently, for different purposes, and is not used in any systematic way either to understand the wider family picture or to engage with services who are best placed to support families while the family member is in prison.

Provision for prisoners and their families is largely provided by the voluntary and community sector. There are many excellent family services working in custody and in prison visitors' centres to support families and ensure prisoners and families are able to stay in touch. Lord Farmer's review¹⁴ and the Government's response have the potential to change the prison landscape to create a greater family focus, making Governors responsible for a family and significant others strategy in every prison.

However, this is only one part of the picture. Whilst a family member is in custody, children have to cope on the outside with all the attendant practical and emotional problems, such as the impact of losing a parent (sometimes without notice), the family's loss of income, and sometimes the loss of their home. This may happen without explanation – frequently, children are not told what has happened, or are instructed to keep it a secret due to shame or stigma. Visiting a parent may mean long journeys to a strange place, to spend an hour or two with a parent who is unable to get out of their seat, resulting in unauthorised absences from school and a subsequent impact on attainment.

On the 'outside', specific services for families in this situation are harder to come by. There is no national guidance around recognising children of prisoners as a distinct group of children in need, and the absence of any mechanism to notify schools or the local authority when a parent enters custody will in most cases mean that the event goes unnoticed. Instead, the system unduly relies on children and parents self-identifying to services. For many families, this is the last thing they want to do as there is a widespread perception that this could mean children going into care. As a result, in most cases help arrives only in response to the manifestation of distress or difficulty such as the behaviour of a child, absence from school or threatened eviction. We spoke to services operating on the 'outside' as part of this research, who highlighted the significant challenges of piecing together a whole family view that encompasses the family on the outside as well as the parent on the inside, and in engaging criminal justice services in building that picture.

Services have worked around the the lack of systematic identification by encouraging self-disclosure amongst children of prisoners and their parents, working closely with them to increase their confidence that they are there to help and support, and do not want to remove their children. While it is important to build trust and confidence among families, this cannot be a substitute for a system which systematically identifies such a potentially important moment in a child's life.

¹⁴ Farmer, L. (2017). *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*. London: Ministry of Justice.

The case for change

Whilst progress has been made in recognising the value of maintaining and strengthening family ties for the offender, policy and practice could be so much more effective if it was designed to meet the dual benefits to be gained for both the offender and his/her child(ren). Such ties are not only predictive of more successful desistance from offending, but also improves outcomes for children of offenders.¹⁵

A whole family, holistic approach is therefore a win-win situation both within and outside the criminal justice system. However, the current system does not provide any shared objectives to facilitate the joint working that is required to provide a coordinated, whole family approach.

This is not the first attempt to highlight the position of children of prisoners: a good deal of research has been carried out demonstrating the significant disadvantages suffered by this group. However, much of this has been through an offender/prison lens; there has been less work exploring the merits of a whole family approach, which takes into account the needs and circumstances of the family on the outside as well as the prisoner when delivering interventions.



¹⁵ May, C., Sharma, N., & Stewart, D. (2008). *Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004*. London: Ministry of Justice.

Recommendations

Support for children of prisoners should occur as early as possible; take the form of whole family support; be flexible and targeted; and should last as long as necessary. We recommend a cross-government strategy for the care and support of children of prisoners to implement the following:

Recommendation 1.

A new set of arrangements that require courts to notify the relevant local authority when a parent is sentenced to custody.

Recommendation 2.

Joint protocols between local authorities, prisons and probation services to address the needs of prisoners' families based on an assessment of the needs of the children.

Recommendation 3.

Courts should satisfy themselves that they have taken reasonable steps to identify where a convicted person has dependent children.

Recommendation 4.

Revision of CRC and NPS contracts to include a greater emphasis on family support and the importance of working jointly with local authorities to ensure children are safeguarded.

Recommendation 5.

Drive forward reform in prisons in line with the Farmer review's recommendations.

Recommendation 6.

Police and Crime Commissioners (PCCs) to develop justice devolution arrangements that aim to improve outcomes for children of prisoners, framed around reducing intergenerational offending.

Recommendation 7.

A £20M Prevention of Intergenerational Offending fund to support the rollout of a national strategy.

The opportunity

The point of sentencing represents an opportunity for services to ensure the wellbeing of the family left behind. It is a point when one arm of public services (the courts and criminal justice services) makes a decision that is of interest to another part of public services (children's services). The courts should therefore inform the relevant local authority when they have sentenced a parent to custody.

Building a 'prompt' in the form of a notification system into our public service infrastructure is of course only part of the picture. From there we need to ensure that the needs and circumstances of the family left behind are identified, and build the evidence base for the interventions that work best to build resilience in children and families. Building effective partnerships between prisons, local authorities, probation services and their voluntary sector partners, which can overcome the prison walls in order to develop whole family approaches that nurture family ties, will also be vital.

These are golden opportunities not only to reduce reoffending for adults, but to halt the cycle of intergenerational offending and improve outcomes for children.

This is a child welfare and a crime prevention opportunity which we are currently wasting.



Figure 1. The number of incidents of children affected by paternal and maternal imprisonment, based on Crest's data simulation

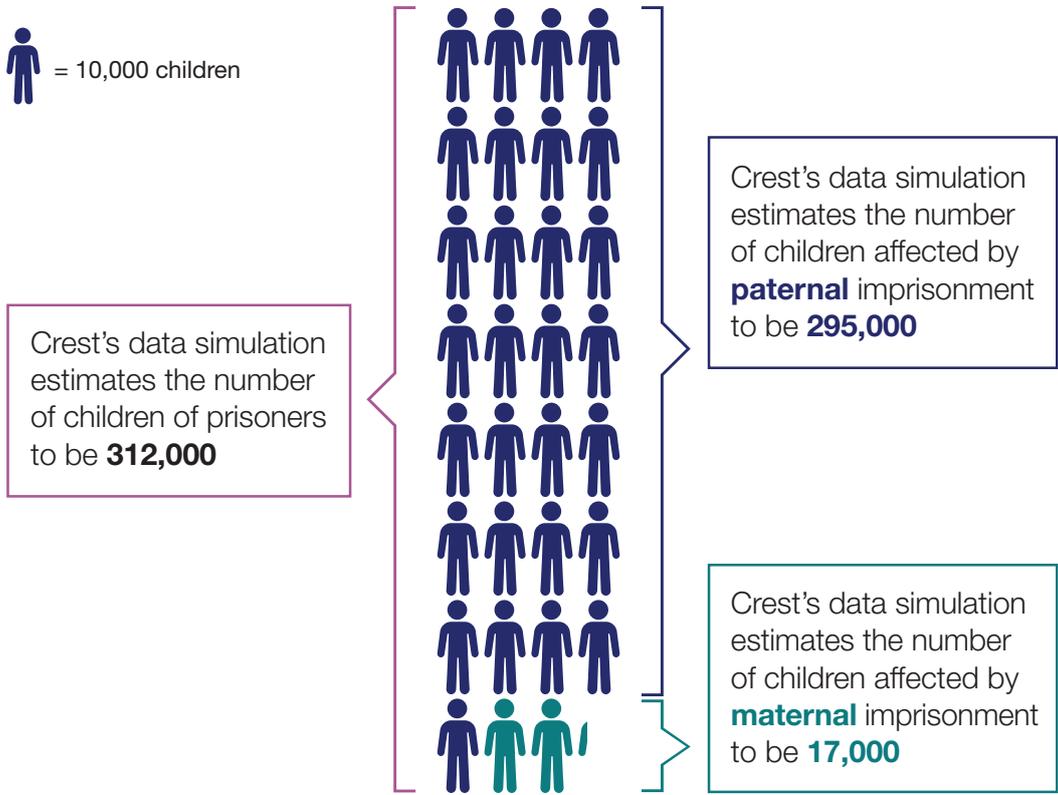


Figure 2. The discrepancy between currently used estimates of the number of children of prisoners (based on 2008 data) and cumulative estimates drawn from Crest's data simulation

