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IMPRISONING MOTHERS

THE IMPACT ON CHILDREN AND FAMILIES

The impact of a woman's imprisonment has consequences well beyond those to the woman herself. Rather than citing statistics and publications, the following describes what imprisonment has meant for a number of women in Scotland in practice. All of the stories below are true, though the names have been changed.

By Nancy Loucks

Agnes

'Agnes' had committed a very serious offence and was definitely going to be sentenced to prison for a long time. It was her first offence, so she was subject to court reports. Although she was a single mum of three children under the age of 10, none of these reports investigated the impact her sentence would have on them.

Care for the children was shared between the rest of Agnes' family, initially with one of Agnes' sisters, a single lady with no children of her own. This placement lasted for a few years until the sister's mental breakdown, when the children were passed between other family members and eventually on to Agnes' boyfriend. Over the years, two of Agnes' three children developed severe mental health issues. Though the children were offered support from social work, the family could not find any help for their own struggles with Agnes' imprisonment and related publicity.

Later in her sentence, Agnes was transferred to HMP Edinburgh, which greatly increased opportunity for contact with her family. This went very well until she was told she had to return to HMP Cornton Vale in order to take courses to qualify for parole. Agnes asked if she could revoke her right to parole so she could stay at Edinburgh and continue close contact with her family, but was told this was not an option for her. She has since returned to Cornton Vale and is still awaiting access to her required courses.

Betty

'Betty', in contrast, was sentenced to four months in prison for breach of a community sentence. She spent one month in custody and one month in the community on an electronic tag (HDC). As a single mum of seven children, living in poverty with very unstable housing, this short period of custody was enough for her to lose her home and custody of her children. Two years after her release, she had still not managed to regain custody of her children.

Charlene

Remand in custody is the most common use of imprisonment for women. 'Charlene' was remanded in custody for one week. Having been in care herself, and fearing social work intervention, she chose not to tell anyone that she had a two-year old daughter at home and instead left a cryptic message for a friend about her imprisonment. The friend did not understand her message and, left alone in the house, the daughter died of dehydration.

The stories here are typical of the type of issues women in prison face, and we see a number of common themes. First, the women are usually dealing with multiple issues, and placement in custody is enough to tip the balance towards a whole sequence of negative events. Poverty is a particularly common feature, as is single parenthood and unstable family circumstances. Second, no one systematically asks questions about what the consequences of imprisonment might be, either for them or for the families they leave

behind. Court reports are often thought to be adequate for this, but these reports are not always requested, nor do they apply to imprisonment on remand. Related to this is that women are more likely to have children and (often sole) caring responsibilities, though this is not exclusive to women (see, for example, *Stuart Gorrie v PF Haddington* 2014). SPS Prisoner Surveys suggest that about 2/3 women in prison on any day are mothers of dependent children (SPS, 2014: 2012). Children are significantly less likely to be looked after by their dads when a mother goes to prison; rather, grandmothers tend to take on this responsibility. The Corston Report (2007) found that only 9% of dads looked after their children when a mum went to prison, while 12% of children go into the care system. In England and Wales, Hamlyn and Lewis (2000) estimated that 6,000 children (and therefore about 600 in Scotland?) are cared for by other family members when a mother goes to prison.

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Next, even very short periods of custody can have a dramatic impact. Families (and children in particular) are unlikely to draw a distinction between imprisonment for remand or sentence; for them, the impact is likely to be the same, at least in the short term. Further, the impact of imprisonment has much longer-term impacts on the remaining family, lasting well beyond the period of custody. For example, a woman in touch with Families Outside recently commented that her children had already developed a deep-seated suspicion and hatred of the police and wider justice system. Longer-term impacts on mental health, housing and SHANARRI wellbeing indicators (Safe, Healthy, Active, Nurtured, Achieving, Responsible, Respected, and Included) are common features for children who experience a parent's imprisonment.

Finally, features of the justice system itself fail women who end up in custody. As noted above, fewer options are available for women in terms of prison placements or indeed community-based supports. Women may have to choose between contact with their family and completion of required programmes, as in Agnes' case. Women with substance misuse issues, in turn, have to choose between their children and their recovery if they need to enter residential care, something that supports such as the recently closed Aberlour Family Support Service in Glasgow worked to prevent. We also have remarkably little information about the impact of imprisonment: how many children experience a mother's imprisonment each year? No statistics are available to tell us even this basic information.

We close with a good news story, showing the value that support to women in custody can have when needs are identified and addressed early. 'Donna' was referred to Circle (see the interview feature in this issue) through the Shine Mentoring Service when she was 31 weeks pregnant and remanded in custody. Donna was a young woman who was identified as not engaging with services, particularly antenatal supports.

On initial enquiries, the Circle worker found that the official opinion at this stage was that the baby would be accommodated in a different local authority after birth, with no existing plans for family members to take care of the baby if Donna were to be sentenced to custody. No contact had been made with Donna's partner (the father of baby) or his mother. A pre-birth child protection case conference had been planned, but no family members had been invited.

Donna and her family worked with Circle and, although challenging, discussions took place with statutory services to assess current family circumstances and the future plans for Donna's baby. What made a difference for the family was having the opportunity to have complex child protection processes explained to them and how the family could be included in these discussions.

At a pre-birth case conference, the decision was made for the baby to return to the grandmother's home after birth, with both parents having unsupervised contact (depending on Donna's release date). Donna ended up being released with an electronic tag before the baby's birth and, on discharge from hospital, returned to her partner's mother's home whilst ongoing assessments continued. After three months, the baby was removed from the Child Protection Register with positive reports from all agencies involved. Donna's baby boy is now thriving and developing positively within his own family.

Support and information at the right time can make all the difference for children and families when someone goes to prison, particularly when a mother enters custody. Consequently questions about the impact of custody should be asked systematically at key stages throughout the criminal justice process; without knowing the impact, vulnerable and innocent people already in challenging circumstances will be left without the resources they need to cope.

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<http://www.sps.gov.uk/Corporate/Publications/PrisonerSurvey2013FemaleOffenders.aspx>

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In our November issue there will be an article on the post-Inverclyde consultation and the future of the women's custodial estate from the perspective of the Scottish Prison Service.