

Simultaneous Familial Imprisonment

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Children and young people serving sentences at the same time as family members

The impact of a family member's imprisonment on children and young people has been increasingly well-researched and understood in recent years. In almost all of this research, as well as in policy and practice, the family members are outside of the prison. There is little recognition of where someone can be in custody themselves and have other family members serving a sentence at the same time, either in the same or different prisons. This is despite the fact that prison populations tend to be drawn disproportionately from more deprived and therefore concentrated geographic areas, and that intergenerational offending and offending within families is a recognised issue.

The lack of research on these simultaneous familial imprisonment experiences means that there is little understanding of what it may feel like to serve a prison sentence at the same time as a family member, and how the prisons and organisations working with children and young people in custody can understand and support these relationships.

Legal Entitlements

The right to contact with imprisoned family members for children (i.e. under the age of 18) is provided for under [Article 9 of the UNCRC](#) which states that children have a right to keep in contact with parents they have been separated from, unless this would cause them harm. There is also provision within the [ECHR under Article 8](#), which states that "everyone has the right to respect for his private and family life". This therefore applies to family contact for all rather than just those under the age of 18, and refers to family more widely than simply parents. It requires prison authorities to assist those in their care with maintaining contact with their close family, where they wish and it is safe to do so.

Policy Framework

The [Scottish Prison Service \(SPS\) Family Strategy](#) aims to improve outcomes for people in their care and their families, and states they will use a "broad definition of family", recognising the unique individual circumstances of those in their care. Despite this, there is a tendency to focus solely on parental imprisonment in relation to children and young people, and no recognition that multiple family members may be in the care of the prison service at the same time.

The [Prisons and Young Offenders Institutions \(SCOTLAND\) Rules 2011](#) state that people in prison will be provided with one stamp and writing materials each week, have access to a telephone and have one visit (when sentenced) or up to five visits (when on remand) each week. Where the contact is between two people who are both in custody it references this in terms of inter-prison visits, stating that a person in prison is only entitled to receive a visit in this situation in "exceptional circumstances and where [...] the Governors of the prisons involved give consent." There is no reference to inter-prison telephone calls.

For those in secure care (whether due to a period of remand or sentence from a criminal court or other grounds) contact with family members must be authorised by social workers and the unit itself, with no standardised rules in place across the five Scottish units.

Experiences of Young People in Custody

Where a young person is serving a sentence in the same prison as their sibling they have described this experience as “stressful” and “homely”. This suggests that this experience of imprisonment at the same time as a family member in the same location can be contradictory. It has the potential to act in some ways as a protective factor, providing support and reassurance. At the same time, it can make the experience of prison more difficult as the young person worries about their sibling and tries to provide some form of care in an environment where opportunities to do this are limited.

Within an environment where levels of violence, or the perception of violence, are high the young people can be worried about their own safety, but also that of their family member. The form that care can take on in this environment can be in terms of feeling the need to “back him [his brother] up”, increasing the risks for the young people, not only in terms of their behaviour but also the repercussions that can result from this.

Whether the young person is in the same or a different prison to their family member, there are even greater restrictions around contact than when a family member is outside in the community. There is also a lack of clarity around this contact. There is a reliance on individual prison officers to facilitate contact where siblings are housed in different Halls in the same prison, or to arrange and facilitate calls or visits between prisons. The uncertainty around what is allowed, and a perception that it is behaviour-dependent, can compound the already traumatic experience of imprisonment as a young person.

Experiences of Prison Officers

Prison officers are aware that these relationships exist within and across prisons. They also recognise the importance of these relationships and use their flexibility and discretion to support their maintenance. Where formalised procedures have been introduced to request and arrange inter-prison visits between prisons or between Halls in the same prison the result has been to reduce the level of contact people in prison were able to have with their simultaneously imprisoned family members.

Implications for Policy and Practice

- Family members of those serving custodial sentences are not always outside in the community but can also be within the same or another prison or secure care establishment. These relationships require to be maintained and nurtured in the same way that relationships with those outside of prison are.
- While there needs to be clarity around what level and frequency of contact is available for children and young people serving a sentence at the same time as a family member, whether in the same or different establishments, formalising this process should not result in a lower level of contact than is currently permitted.
- As contact with a parent is viewed as the right of the child this should be something social workers, secure care staff, prison officers and Governors, and members of the judiciary consider for all children, including where children and their parents are serving custodial sentences at the same time.
- The focus for children and young people is often on parental rather than other familial imprisonment such as siblings. The impact of sibling imprisonment for those serving sentences along with family members is particularly important as it is more likely to see them being within the same establishment.

This Information Sheet is drawn from a [PhD](#) and related [Briefing Paper](#) and further research [Briefing Report](#). For further information about this research please contact Kirsty.Deacon@scra.gov.uk.