

Impact of Punishment: Families of People in Prison



Background

The primary purpose of a custodial sentence (or any form of disposal) is to punish the offender. However, given the nature of positive family relationships and the practical, financial, social and emotional effects of imprisonment, a prison sentence usually means that the family on the outside is also punished, albeit in different ways. Prisoners' families, particularly their children, are often termed the '*innocent victims*' of victims of crime (and punishment).

For a long time, prisoners' families were also referred to as the '*hidden*' or '*invisible*' victims of punishment or crime, since the hardships they experienced were not immediately obvious. Now, in Scotland and elsewhere, the experiences of prisoners' families are receiving greater attention from policy, practice, academia and the media.

The effects of imprisonment on families are often called the *collateral* or *ripple* effects of imprisonment.

What is the impact of imprisonment on prisoners' families?

Since every family is different (including who is considered to be part of a 'family'), the impact of imprisonment is different for every family. Yet, research in Scotland and across the world suggests that there are some fairly common experiences.

What does the research say?

- Families experience emotional distress at the temporary (in most cases) loss of a loved one from the family home and/or family life: for example, families miss out on sharing family events such as birthdays and Christmas, or even simple family activities such as meals, with the imprisoned family member.
- Offenders are stigmatised for their offence, and their families often are too. Families are seen as *guilty by association* even though they are legally innocent and generally have had no involvement in the offence. This stigma is sometimes referred to as *courtesy stigma* or *stigma by association*. This stigma makes the imprisonment even more difficult for family members, and it can also mean that families are treated negatively by other members of their community, or face negative treatment from colleagues, peers, the media and even friends and family.
- Following the imprisonment of a person, partners of prisoners are often forced to take on multiple roles and responsibilities, particularly where the incarcerated family member has previously had an active role in the household.
- Imprisonment tends to impose financial strain on the families of the prisoners in two ways: by decreasing the family income and by increasing family expenditure, due to costly visits and phone calls, and handing in money for their loved ones in prison. Prison also exacerbates existing socio-economic disadvantage ([Houchin, 2005](#)).
- The Centre for Youth and Criminal Justice (CYCJ) completed an evidence review on families of prisoners in 2015. It highlights the impacts of imprisonment on children and families can be significant and wide ranging, including emotional, social, psychological, financial, relational, physical and developmental effects.
- Dr Kirsty Deacon (University of Glasgow) published findings from her PhD research into young people's experiences of having a family member in prison. It suggests that in respect of keeping in touch with someone in prison, a young person's age and stage in life sees them struggle to balance a growing need for independence and increasing demands on their free time, with having to fit in with a restrictive prison service schedule necessary to receive telephone calls or attend visits. ([SCCJR, 2019](#))

For more information about the financial impact on families, see this [research report from Families Outside](#).

The [Joseph Rowntree Foundation also conducted a study](#) exploring the financial disadvantage experienced by prisoners' families. This study also includes more general information about the impact of imprisonment.

- There are often particular difficulties associated with prison visiting. Visiting often involves great deal of time, effort (both physical and emotional) and expense.
- Visiting can be quite an emotional experience, with both positive and negative feelings in the mix: for example, families usually enjoy seeing their imprisoned loved one, but due to the brevity of the visit saying 'goodbye' comes quickly, which can be distressing.

As this overview shows, for most families the imprisonment of a family member has negative effects. However, in some cases imprisonment might be a positive experience for the family unit: this tends to be in cases where abuse or violence has been present in the home, and imprisonment offers relief from this (See [SCCJR 'Violence against women and girls'](#) for more information on domestic abuse).

This [article by Jessica Breen](#) offers an overview into the effects of imprisonment on families in general, and offers insights into the situation of prisoners' families in Ireland specifically.

Focus: the children of prisoners

What are the effects?

Babies

As a [recent NSPCC report](#) points out, pregnancy and early years are the most important years in which babies can be given a healthy and safe start. Mothers need support during this time, especially during pregnancy. Babies need a stimulating environment and a positive mother-baby relationship. However, a mother's involvement in the criminal justice system, especially prison, makes this much more difficult.

- Those involved in the criminal justice system, especially women, often have poorer rates of health, particularly mental health, than the general population (See [SCCJR 'Who's in prison? A snapshot of Scotland's prison population'](#) and [SSCJR 'Women in prison'](#)).
- The criminal justice system, especially custody, disrupts these important relationships.
- Some babies are born or looked after in prison in dedicated Mother and Baby Units. While these units minimise the trauma of separation, these are far from ideal environments for babies' development. Between 2010 and 2015 there were 30 babies born to female prisoners in Scotland.

*All information from the NSPCC report (in collaboration with Barnardo's) (2014) [An Unfair Sentence, All Babies Count: A Spotlight on the Criminal Justice System.](#)

Children

Based on [estimates from research](#), about 16,500 children in Scotland have a parent in prison on a given day, with just under 2,000 separated from their mother through imprisonment. More children experience a parent's imprisonment than a parent's divorce.

In addition to the general impact of imprisonment on family life, children often experience specific effects:

- Stigma for children can be manifested in being bullied by classmates in school.
- Since the non-incarcerated parent wants to protect their child, it is not uncommon for children not to be told the truth, or full truth, about the imprisonment. Children are often told instead that dad is 'working away'. This can lead to confusion and upset, particularly where children visit the family member in an unfamiliar and daunting – and in this case unknown – environment of the prison.
- Prisoners' children are at higher risk of developing mental health problems than children without imprisoned parents.
- Visiting can be difficult for children, with poor facilities that are not 'child friendly' and confusing rules restricting movement of their imprisoned family member; families often have to travel long distances to a prison, and are often reliant on public transport; visiting times may not be compatible with tea time and bed time routines, leaving children irritable or tired, which then may impact on school performance the following day.
For more information on visiting, see [2014 Barnardo's Report on Visiting](#)
- Longer-term, children of prisoners are three times more likely to engage in anti-social or offending behaviour than their peers who do not have a parent in prison ([Ministry of Justice and Department for Children, Schools and Families 2007 Review](#)).

[This article by Joseph Murray and David Farrington](#) provides a comprehensive overview of the effects of parental imprisonment on children.

Research suggests that *young people* suffer particular effects of imprisonment. This [report from Scotland's Commissioner for Children and Young People](#) provides an overview.

Dr Kirsty Deacon's 2019 research briefing paper, '[Keeping in Touch' Young People's Experiences of Having a Family Member in Prison](#) provides an excellent insight into young people's experiences of having a parent or sibling in prison, and how they keep in touch with that person.

Key findings from Dr Deacon's research include;

- Young people's experiences of a parent or sibling's imprisonment can be different to those of children more generally.
- The restricted access to digital technology within prisons impacts on communication.
- Young people's experiences of the restrictions around telephone communication are exacerbated by their specific position as young people.
- Children's visits focus on younger children and those with a parent, rather than a sibling, in prison.
- There can be a focus on quantity rather than also quality of prison visits.

The rights of prisoners' children in Scotland

The United Nations Convention on the Rights of the Child (UNCRC) is an international human rights treaty that grants all children and young people (aged 17 and under) a comprehensive set of rights. The UNCRC was ratified by the UK in 1991, and applies in Scotland. The rights are contained in 54 articles, as outlined in this [UNICEF Factsheet](#).

Children, like adults, have human rights which are protected in Scots law by the Human Rights Act 1998 and the Scotland Act 1998. Therefore, children have general and child-specific human rights.

As described above, the imprisonment of a parent or family member affects the lives of children and young people in various ways. Reports in [2008](#) and [2011](#) from Scotland's Commissioner for Children and Young People have expressed concern that the effects of parental imprisonment are affecting children's UNCRC and general human rights.

Examples:

- Articles 5 and 14 state that children have a right to be given parental guidance. If a parent is in prison, opportunities for receiving this guidance are limited to phone

calls, letters or visits. Moreover, some children lose all contact with a parent or guardian when the parent or guardian is imprisoned.

- Article 16 states that children have a right to privacy, and right to be free from any attack about their homes, their families, their reputation and their way of life. However, given the stigma experienced by families, often worsened by media coverage, this right is threatened.

*this is not an exhaustive list of how the rights of prisoners' children might be adversely affected by parental imprisonment.

Recent Developments in Scotland: Prisoners' Children

Although the 2011 Report highlighted the progress that has been made in policy and practice, with greater consideration of the status and rights of prisoners, Scotland's Children's Commissioner for Children and Young People and many others have continued to call for more to be done.

In response to this call, [Mary Fee, a Labour MSP, launched a Private Member's Bill in the Scottish Parliament in May 2015 titled the 'Support for Children \(Impact of Parental Imprisonment\) \(Scotland\) Bill'](#)

In short, it is "A proposal for a Bill to require a court (at the time of sentencing) to have regard to the impact of parental custody upon the welfare and wellbeing of the offender's children; and to ensure that children affected by parental imprisonment receive additional support as appropriate".

Amongst other things, the Bill aimed to impose a duty on courts to carry out a Child and Family Impact Assessment following the sentencing of a parent; this assessment would take into account the child's needs, including caring needs.

For more information on this Bill, look at its [Consultation Document](#).

The Bill did not have enough time to complete the process for it to be heard in Parliament in the 2015 September session, however, an amendment from Ms Fee to the (now) Criminal Justice (Scotland) Act 2016 places a duty on Scottish Ministers to request information from people entering prison about any dependent children to ensure support for these children is in place. The Scottish government has also committed to revise the code of conduct for the

Additional Support for Learning Act to designate children with an imprisoned parent as a group in need of support.

Further Reading

Barnardo's (Kalkan G, Smith N and Barnardo's Strategy Unit) (2014) *Just Visiting, Experiences of children visiting prisons*. Available from: <http://www.barnardos.org.uk/just-visiting.pdf>

Breen J (2008) *The Ripple Effects of Imprisonment on Prisoners' Families* Irish Quarterly Review 97 (385) 59-71. Available from: [http://www.workingnotes.ie/images/stories/pdf/issue57/Ripple%20Effects%20of%20Imprisonment%20on%20Prisoners %20Families.pdf](http://www.workingnotes.ie/images/stories/pdf/issue57/Ripple%20Effects%20of%20Imprisonment%20on%20Prisoners%20Families.pdf)

Children of Prisoners Europe (COPE): COPE is a European wide initiative which aims to promote the rights of children of prisoners by disseminating research and knowledge. Available from: <https://childrenofprisoners.eu/>

Deacon, K (2019) "Keeping in Touch" Young People's Experiences of Having a Family Member in Prison: Research Briefing 1. Available from: <https://www.sccjr.ac.uk/publications/keeping-in-touch-young-peoples-experiences-of-having-a-family-member-in-prison-research-briefing-1/>

[Families Outside](#) website. Families Outside is a national charity in Scotland that provides support to families affected by imprisonment

Families Outside (Dickie D) (2013) *The Financial Impact of Imprisonment on Families*. Available from: <http://www.familiesoutside.org.uk/content/uploads/2013/10/financial-impact-imprisonment-families.pdf>

Louiero T (on behalf of Scotland's Commissioner for Children and Young People and Families Outside) 2010 *Perspectives of children and young people with a parent in prison*. Available from: <http://www.hub.careinspectorate.com/media/109137/sccyp-perspectives-of-cyp-with-parents-in-prison.pdf>

Ministry of Justice and Department for Children, Schools and Families (2007) *Children of Offenders Review to consider how to support children of prisoners to achieve better outcomes*. Available from:

http://webarchive.nationalarchives.gov.uk/http://www.cabinetoffice.gov.uk/media/cabinetoffice/social_exclusion_task_force/assets/think_families/offenders_review_080110.pdf

Murray J and Farrington D (2008) *The Effects of parental imprisonment on children* in M Tonry (Ed) *Crime and Justice: A review of research* Vol 37 pp 123-206. Chicago, Illinois, University of Chicago Press. Available from:

<https://www.i-hop.org.uk/ci/fattach/get/201/0/filename/Murray+and+Farrington+Effects+of+Parental+Imprisonment+on+Children.pdf>

NSPCC and Barnardos (2014) (Galloway S, Haynes A and Cuthbert C) *All Babies Count: spotlight on the criminal justice system - an unfair sentence. How prison can impact on pregnancy and babies, and what can be done to help*. Available from:

<http://www.nspcc.org.uk/globalassets/documents/research-reports/all-babies-count-unfair-sentence.pdf>

Parenting Across Scotland has a number of good links to reports and data on children with parents in prison. Available here: <https://www.parentingacrossscotland.org/info-for-practitioners/facts-about-families/children-with-parents-in-prison/>

Scotland's Commissioner for Children and Young People (2008) *Not Seen, Not Heard, Not Guilty: The Rights and Status of Children of Prisoners in Scotland*. Available from:

http://www.sccyp.org.uk/uploaded_docs/adult%20reports/not%20seen%20not%20heard%20not%20guilty%20compress.pdf

Scotland's Commissioner for Children and Young People (2011) *Not Seen, Not Heard, Not Guilty: The Rights and Status of Children of Prisoners in Scotland, Review*. Available from:

http://www.sccyp.org.uk/downloads/Adult%20Reports/2011_NSNHNG_report.pdf

Support for Children (Impact of Parental Imprisonment) (Scotland) Bill, information and consultation document. Available from:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/86482.aspx>

[http://www.scottish.parliament.uk/S4_MembersBills/Consultation_Document_\(Website\).pdf](http://www.scottish.parliament.uk/S4_MembersBills/Consultation_Document_(Website).pdf)

UNICEF Rights of the Child Factsheet. Available from:
http://www.unicef.org/crc/files/Rights_overview.pdf

Weaver, B. and Nolan, D. (2015) *Families of Prisoners: A Review of the Evidence*. Available from:
<https://cycj.org.uk/wp-content/uploads/2015/11/Families-of-Prisoners-A-Review-of-The-Evidence-FINAL.pdf>

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SCCJR's learning resources for schools (Modern Studies) were initially developed by Rebecca Foster and Greg Duncan. They are regularly reviewed and updated by SCCJR researchers. Any queries (including notes of broken links, ideas for development and new topics) about these resources should be sent to enquiries@sccjr.ac.uk

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