

PRISONS, PRISON OFFICERS AND PRISONERS' FAMILIES

Operationalising the Scottish Prison Service Family Strategy 2017-2022



INTRODUCTION

The current Scottish Prison Service (SPS) Family Strategy was published in 2017 and runs until 2022. During the four years since its publication the policy landscape in Scotland around children, young people and families has changed significantly. There has also been a shift in familial imprisonment research towards a rights-based focus. In the context of these changes, as well as the current Family Strategy period coming to an end it appeared timely to consider how prison staff currently understand or operationalise the Family Strategy and any learning that could come from this.

This briefing report is drawn from a larger research report and is based on interviews with ten prison officers working across five prisons in Scotland – HMPs Barlinnie, Castle Huntly, Edinburgh and Greenock and HMP YOI Polmont. These prisons cover a wide range of the prison population including men and women in prison, remand, short-term, long-term and life-sentenced prisoners, young people, and those in the open estate. The roles held by the prison officers all had aspects which related to work with, about, or for families, including Family Contact Officers (FCOs), those working in Integrated Case Management (ICM), Offender Outcomes and Operations.

The research aimed to understand the translation of the rhetoric around the importance of families of prisoners and their role, their experiences, and the impact a member's imprisonment can have on families, into policy and practice through the specific example of the SPS Family Strategy.



SCOTLAND'S POLICY CONTEXT

The publication of the Independent Care Review through The Promise in February 2020 has seen a renewed focus on children, young people and families on the edge of, and within, the care system in Scotland. Specific mention was made to children who may have been separated from a parent due to imprisonment, underscoring that

relationships should be supported and the process of prison visiting is as positive and non-stigmatising as possible.

The Promise also reinforces that corporate parenting duties continue for care-experienced young people up to the age of 26 years old.

Following on from The Promise, legislation was introduced in July 2021 through the Children (Scotland) Act 2020 and the Looked After Children (Scotland) Amendment Regulations 2021. This established further participation rights for siblings within the Children's Hearings System where decisions are being made which may significantly affect contact, and around the maintenance of sibling relationships for those in care. That this included siblings who were in prison was made clear within the *Staying Together and Connected: Getting it Right for Sisters and Brothers* national practice guidance. The legislation also contains a wide definition of siblings, including anyone the child has lived with, and has an "ongoing relationship with the character of the relationship between siblings". This means that siblings do not have to share a biological parent to have rights under this legislation, so can be someone the child lived with in a foster family or a residential unit.

The United Nations Convention on the Rights of the Child (UNCRC) Incorporation (Scotland) Bill, which is currently sitting with the Scottish Government after being returned from the Supreme Court for review, will see the rights of the child under the Convention enshrined in domestic law. These rights apply to children outside of the prison in terms of their rights to contact with imprisoned family members, and also to those children who are serving a prison sentence themselves in terms of their contact with family. The UNCRC defines children as under the age of eighteen meaning that children's visits should be available to all those up to this age, and anyone within a Young Offenders Institution under eighteen is deemed a child.

CONTEXT OF FAMILIAL IMPRISONMENT LITERATURE

The current SPS Family Strategy drew heavily on the existing familial imprisonment literature at the time, which focused on the largely detrimental impacts of having a family member, and particularly a parent, in prison. These findings continue to remain relevant but have been supplemented by further research in the last five years.

Recent literature has seen arguments made for recognising family not as simply biological connections between individuals and what a family "is", but instead being about what families "do"¹. Increasingly, research also focuses on the rights of the families of those in prison, rather than viewing them in more instrumental ways and simply in terms of the role that they can play in reducing an individual's reoffending².

The Family Strategy also drew on the 2013 SPS Organisational Strategy, *Unlocking Potential, Transforming Lives*, which had a basis within the desistance literature available at that time. This research is still relevant; it continues to be the case that those with familial, or other,

1. Jardine, C. (2018) 'Constructing and Maintaining Family in the Context of Imprisonment', *British Journal of Criminology*, 58(1): 114-131.
2. Condry, R. and Smith, P. S. (2018) *Prisons, Punishment and the Family: Towards a new sociology of punishment?* Oxford University Press.
Jardine, C. (2019) *Families, Imprisonment and Legitimacy: The Cost of Custodial Penalties*. Routledge.
Minson, S. (2020) *Maternal Sentencing and the Rights of the Child*. Palgrave Macmillan.

support are less likely to reoffend and this focus has been key in providing an understanding of why families are important amongst those working in prisons. It should not, however, be seen as the only reason for working with and recognising the importance of families of prisoners. Their own needs and rights should also play a part in this understanding.

FINDINGS

Good Practice

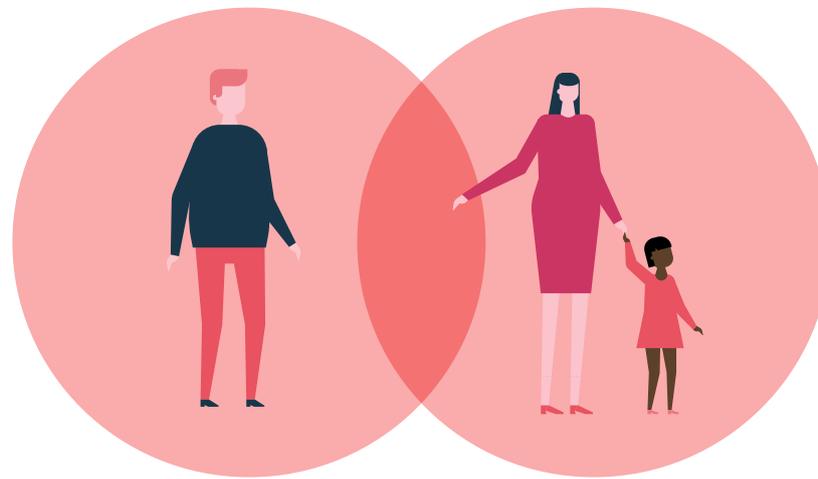
There were numerous examples of good practice of work with and for families of prisoners across the prisons involved in this research. Much of this focused on provision for children of prisoners through children's or bonding visits, family days, seasonal events and special sessions (e.g. baby massage, Book Bug and Rhyme Time, Learning Through Play), with a specific focus on provision for younger children. It was not limited to this, however.

Families were also considered in the induction process. FCOs were able to make contact with them at this time, some prisons were producing induction packs for families and others were planning to (re)introduce induction visits where families could attend the prison and meet with FCOs, visit centre staff and, in some cases, Families Outside, a national charity that works on the behalf of families affected by imprisonment. This was just one example of effective partnership working that was taking place, with other examples given of close working relationships between FCOs and the organisations that ran the prison visitor centres, as well as with Families Outside.

Families were also encouraged to be involved in the Integrated Case Management (ICM) process, although this was only for prisoners who were serving a long sentence (four years or more), or who had committed sexual offences and were serving six months or longer. While levels of attendance by families could be low, with a target level of 18%, staff did recognise and promote the attendance of family members at ICMs. They noted that where there was no progress or a "good news story" for the prisoner this could reduce their willingness to invite family members to these meetings. The impact of Covid 19 restrictions on prisoners being able to progress through the system therefore may be a further barrier to family attendance at ICMs.

Although not every prison had regular Family Strategy Group meetings, where these did take place they were good examples of the prison working towards achieving their plans to improve the experience of families and being accountable to these. One prison was also beginning to consider how family members could have a direct role on their Group.

These examples demonstrate how good practice with families continues to develop across the estate, albeit in different forms and at different rates. There was also an enthusiasm amongst participants to maximise opportunities for sharing good practice, with many hoping learning days and conferences could resume as Covid-19 restrictions lessen.



Barriers

Barriers to implementing and fully embedding the Family Strategy across the SPS came in different forms. One aspect was silo working where FCOs were seen as the group who worked with families and therefore for whom the Family Strategy was most, or solely, relevant. While other staff did talk about how the Family Strategy may have fed into other documents relevant to their role, such as Annual Development Plans or the Integrated Case Management Guidance Manual, they felt other staff in the prison would not have this awareness.

"I didn't actually have the opportunity to read it until I'd come into that role, so that was the first I'd actually seen it once I'd come into the family strategy role... sorry, the family contact role." (PO8)

"So, to be honest it's not something that I would probably have read." (PO10)

The distinction between care and control within the prison was also made, noting the importance placed on control within the prison training and structure, and how this could exclude or diminish those working in what could be viewed as a more caring way.

“And as soon as you then step out of that, kind of you know, that normal kind of, the minute you say well I’m different, then you may well be, you know, a target for, you know, other staff attitude. Because why are you different, you’re a care bear, you’re a social worker, we don’t do that stuff here. Because, you know, that’s the whole cultural stuff coming in again.”
(PO2)

Rhetoric vs Reality

Some participants also felt there were discrepancies between the rhetoric of the Family Strategy and the reality of practice within prisons. This was not always down to the behaviour of individual staff, though it could be seen through a lack of consistency in behaviour towards families, but could at times be a result of organisational culture or prison structure imposing constraints on staff. For example, one participant noted that they were unable to have visits, or homework clubs, run in early evening straight after school as the structure of their shifts did not allow that to happen. Others spoke of the, obviously necessary, but sometimes too heavy focus on security within prisons in relation to families, and the perceived lower value placed on the FCO role compared to other roles within the prison. Another officer spoke of how the Family Strategy “reads well” and if it was all being implemented that would be wonderful, but that that was in “an ideal world”. Another example of where someone within the open prison was unable to get an Unescorted Day Release (UDR) to organise a close family member’s funeral was also viewed as the prison system exercising a lack of compassion.

The quote below reflects the feelings of one participant, which was that the right things may be being said, but were not necessarily being done in their experience:

“[...] prisons, governors, you know headquarters, say the right things and we put in place all the right ideas but do we do them all? I’m not sure; I don’t think so [...] I just feel that they’re not really, you know, they’re not really bothered, the prison’s not really bothered

about the families. They’re more interested in, we’ve got the prisoner, that’s all we’re really interested in. We’ll say we’re interested in families but I don’t think we are. As a prison, I don’t think we are.” (PO3)

While families are recognised as important within the prison system the FCO role is a grade below a residential officer. It was said to be seen by some as a “stepping stone” for promotion and this, as well as the lower monetary recompense for holding that role, may lead to a turnover of staff and a potential impact on the retention of the knowledge and experience necessary to do this role well. There was also no standard training provided for FCOs with officers instead talking of having to find relevant training courses themselves.

There were also not full-time FCOs in all the prisons. While one prison had put in a business case for this they were advised they did not have a high enough capacity to warrant it. Instead, an operations officer would carry out the role on top of their normal duties, making it difficult to prioritise this work with families through having set times where they were able to be available and able to contact either families or organisations such as social work.

While there were examples of families being treated with fairness, dignity and respect, and the importance of this, this was noted as not being something that was consistent across the workforce.

“ So we really need to get it right, rather than being met and greeted by somebody who’s, they’ve got a stern face, you know, I think you’ve got drugs on you so I’m going to get the dog to you. That needs to stop, because that’s not good. Because what that’s saying to people when they walk in the door, we

suspect you're coming to prison, you know, for the wrong reasons, in terms of bringing stuff in." (PO2)

"And I think they see people, like with white shirts, and there is officers, maybe, that have been here for ages, and they're quite, like, stern. And they're there to put rules into place, do you know what I mean, whereas, I don't know, I would say there's others that are more, like, friendly. It just depends who you get." (PO7)

Participants spoke about how they felt part of the key to good experiences by, and in relation to, families was trust and the importance of building relationships. Families, and prisoners, can be inherently distrustful of the "white shirts" of staff, and an inconsistent approach can add to this.

Who is family?

The Family Strategy notes that the SPS will use a "broad definition of family" and there were examples given of where staff fully worked to this premise, though this was not necessarily consistent across the estate. Examples of good practice could be seen in the following: where someone who played a parental role in a child's life would be treated as such; where a child was in kinship care in the family someone was returning home to they could attend children's visits with them; or where children's visits had been attended by all the children in the family even though some were over the age of eighteen. There were examples of a prison facilitating contact visits with a parent directed by a court order and facilitated by social work, or where someone who had no contact with their family was instead allowed someone else they were close to and would be providing support to them on release to attend at ICM meetings.

Despite this, there can still be a narrow view taken of family. In children's visits, children would sometimes be termed as under sixteen rather than under eighteen as would be in

line with the UNCRC. Often children's visits could only be attended by those who were children by way of their age and their relationship to the person in prison. This meant that children and young people with siblings in prison



were not able to enjoy visits in these more relaxed settings.

There is also an assumption within the Family Strategy, and most literature, that family are outside of prison rather than recognising, as participants did when asked, that it is possible for someone to be serving a sentence at the same time as their family member(s), whether in the same or different prisons. These individuals still have a right to family life, which may not always be recognised to the same extent as to where family members are not also in custody. Though examples were given by participants of how they had facilitated family contact within and between prisons.

While families were predominantly viewed in terms of the role they can play in someone's desistance from reoffending this was not the only context they were viewed in.

Importantly, there was also the recognition of the impact on families themselves unrelated to the role they can play in a prisoner's life. This reflects the change in the wider policy and research context outlined above and is something that could be built on and further embedded going forward.

"There's two main things. The first one is that if a prisoner's got a stable family outside and a supportive family outside the statistics say they're less likely to offend. Statistics don't always show you the truth actually because these people come back, regardless of supportive families, people keep coming back. But that's what the stats say and I get that."

The other side of the coin for me, and the one I'm more passionate about, rightly or wrongly, is that families are innocents in all this. You know, a family doesn't choose for somebody to go out and commit a crime or somebody to end up in custody. The kids

are completely innocent of blame [...] I'm really passionate that the families who are completely blameless in all this...regardless of whether they're involved in stuff outside, that's no different to me. But they're the innocents in this and they often pay enough and they often have their lives disrupted enough outside of prison..." (PO4)

Covid 19

The context of the Covid 19 pandemic has created both opportunities and problems for the SPS and those in their care. The introduction of virtual visits, mobile telephones and the ability to make bank transfers into a Prisoner's Personal Cash (PPC) account are not necessarily new ideas, with the Farmer Review³ supporting the use of virtual visits and a form of in-cell telephony, but their introduction has perhaps been accelerated by Covid 19.

The ability for families to "visit" virtually means that where barriers were previously in place which prevented in-person visiting (e.g. through distance or health conditions) this has been overcome.

Whether mobile phones or instead a form of in-cell telephony continue, the provision of a mobile phone and credit allowed a level of privacy and flexibility for family conversations which has not been an option previously.

That is not to say that virtual visits have prevented the loss of bonding between family members, particularly children, nor that they are in any way a replacement for in-person

visits. However, the options offered through technology for attendance not only at visits but also, for example, ICMs, are important, and while there were issues with the use of technology to attend ICMs, or the provision of mobile phones, research participants did not think that this should lead to their continuation being discounted outright.

The issues faced by those in prison following such an extended period of isolation and loss of meaningful contact with family was noted by participants as having left a legacy of increased mental health concerns and loss of relationships. This will mean that some relationships will need to be restored rather than simply maintained. Any upcoming Family Strategy must recognise that these are issues that the SPS will be dealing with for a number of years, and potentially throughout the period covered by any future Strategy.



3. Farmer, M. (2017) The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime. Ministry of Justice and Her Majesty's Prison and Probation Service

CONCLUSION

There has been significant progress made by prisons in relation to their work with and for families over the last four years since the publication of the latest SPS Family Strategy in 2017, and even before this. There are multiple examples of good practice across all the prisons in this research, particularly in relation to provision for children at visits and special events, but also changes in the induction process, involvement of families in ICM meetings, and through partnership working.

While there was an understanding of how the Family Strategy may feed into documents relevant to different roles, generally it was felt that the Family Strategy was only, or most, relevant to FCOs. This silo working may be a reflection of a prison culture that has historically separated elements of care and control, with an overwhelming focus on the latter and sometimes a perceived judgement of those working in ways more in line with the former.

There can be a discrepancy between the rhetoric and the reality of how families of prisoners are viewed and treated within the prison system. All the participants in this research were passionate about their work with families and the importance of this. Often, however, the system they were a part of constrained what they were able to do, and the inherent power imbalance between “white shirts” and prisoners and their families hampered a necessary building of trust and relationships.

The Family Strategy, and related prioritisation of working with families by the SPS, has shown that things can change and improvements can be made. Future Family Strategies can build on these foundations, perhaps moving from practical changes and implementations to attitudinal ones, while also working towards ensuring the level of consistency referred to within this current SPS Family Strategy, while of course recognising the divergent needs and resources of different prisons across the estate. Introducing a rights-based focus would also be consistent with the current Scottish

context in terms of The Promise and the incorporation of the UNCRC, as well as being evidence-based given the shift in focus of familial imprisonment literature over the last few years.

There were many examples of where prison officers cared about their roles in terms of both prisoners and their families, but these could be restricted by the system of which they were a part. They may try and work in a rights-based way, but are part of a system which is based on risk and control. Therefore, where we look at how the Family Strategy is operationalised and whether it can meet its aims we must look at this in the context of the criminal justice system as a whole and the extremely high prison population in Scotland, both of which place constraints on prisons and their staff.

We must also recognise the current context the SPS is working within given the continuing impact of Covid 19. This offers opportunities to think about working in different ways but has also had serious implications for the working environment, which changed dramatically during the period of restrictions, and for the issues which families are now facing after a significant period of separation and lack of meaningful contact, as well as the detrimental effects of lengthy isolation for the person in prison.

Next Steps

The learning from this project suggests there are a number of questions it would be useful for the SPS to reflect on going forward, particularly with regard to drafting and implementing a refreshed Family Strategy.

These questions are not necessarily easy to address, but longer-term reflection and engagement on these issues will help the SPS to work with families in a way which is grounded in research evidence and attends to current policy concerns.

- How can good practice and learning in relation to working with families of prisoners be shared across the estate? How might examples of effective partnership working be shared or replicated?

- What does it mean for families to be viewed in the broadest sense and in terms of what they “do” not what they “are”?
- How can the SPS ensure that the FCO role is valued within the service?
- If the SPS Family Strategy is to be a relevant document for all prison staff how can this happen?
- How can the SPS ensure that they are compliant with the UNCRC in terms of families of prisoners?
- How can the SPS ensure that they are helping to Keep The Promise?
- How can the SPS ensure that the way they interact with and provide for families is based on a rights framework?
- How can elements of organisational culture which may prevent a consistent and rights-based ethos of working with families being embedded across the estate be challenged? How can competing organisational demands (e.g. care vs control or flexibility vs security) be balanced?

CONTACTS AND FURTHER INFORMATION:

Should you wish further information about this Briefing Report or a copy of the larger research report from which it is drawn please contact

Kirsty.Deacon@sra.gov.uk

Dr Deacon has a PhD from the University of Glasgow which explored the impact of the imprisonment of parents and siblings on young people. She was an ESRC Postdoctoral Fellow at the University of Strathclyde, and now works with the Scottish Children’s Reporter Administration, where she has recently been awarded funding from The Promise Partnership to look at the experiences of sibling imprisonment for care-experienced children and young people, alongside Families Outside.

Acknowledgements

This work would not have been possible without the support of the Scottish Prison Service, and in particular the prison Governors, members of staff within the research department and each of the prisons who facilitated this research and those who took the time to take part in the interviews. Thank you also to Dr Cara Jardine who reviewed the report before its publication.

This work was funded by the Economic and Social Research Council (ES/V010107/1) and was carried out while employed by the University of Strathclyde.