

NICCO: Assisting children's rights advocates to support children of offenders



‘The best interests of the child must be a top priority in all things that affect children.’

Article 3, UNCRC. *

200,000
children are separated from a parent due to imprisonment each year

Find out how to support offenders' children and their families

Visit our professionals' website

www.nicco.org.uk

Believe in children
 **Barnardo's**

Barnardo's Registered Charity
Nos. 216250 and SC037605

Funded by


Department
for Education

Who are we?

The National Information Centre on Children of Offenders - NICCO (formerly i-HOP) is a service that supports professionals to work effectively with offenders' children and families. NICCO collates and promotes examples of services, interventions, resources, policy and research around this vulnerable group.

Barnardo's was originally commissioned by the **Department for Education** in 2013 to develop this service as an online information hub with a focus on England (www.nicco.org.uk). The service is targeted at all professionals who come into contact with offenders' children and their families, from various sectors including education, health and social care as well as the criminal justice system.

NICCO: Assisting children's rights advocates to support children of offenders

“We was there when he got locked up”
– 7 year old girl

It is estimated that **200,000 children a year**¹ experience the imprisonment of a parent in England and Wales. Research increasingly shows the impact that parental imprisonment can have on these children – **poorer outcomes, stigma, isolation**. However there is currently no routine identification of who these children are and therefore no way of ensuring their needs are met.

“He don't even talk to no one anymore. He's just a closed book.” – Mother on 11 year old son

- Children of prisoners feature on the European Union's list of 'vulnerable children'²
- Prisoners' families are prone to poverty, debt, housing instability and physical illness³
- As a group, children with imprisoned parents are significantly more at risk of having mental health difficulties⁴
- Parental imprisonment is a risk factor for poor educational outcomes⁵



- A research study showed 65% of boys who experienced parental imprisonment before the age of 10 went on to offend themselves⁶

Advocacy and the rights of offenders' children

The United Nations Convention of the Rights of the Child (UNCRC) sets out the universal rights that all children are entitled to. The following five articles are negatively impacted upon by a parent or family member's involvement in the criminal justice system (CJS):

Article 2 (Non-discrimination)

The Convention applies to everyone: whatever their race, religion or abilities, whatever they think or say, whatever type of family they come from.

Article 3 (Best interests of the child)

The best interests of the child must be a top priority in all things that affect children.

Article 9 (Separation from parents)

Children must not be separated from their parents unless it is in their best interests (for example, if a parent is hurting a child). Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

Article 12 (Respect for the views of the child)

Every child has the right to have a say in all matters affecting them, and to have their views taken seriously.

Article 16 (Right to privacy)

Every child has the right to privacy. The law should protect the child's private, family and home life.

Articles from UNICEF 'Our Rights' – Child-friendly CRC summary.

Research shows that offenders' children can experience stigma and discrimination as a result of their family situation⁷ such as bullying at school. In some cases stigma is exacerbated by media coverage of court cases. Consequently, many offenders' families do not seek support to meet their increasing needs. Offenders' children can be left isolated as a result: the 'forgotten victims' of the CJS⁸, with little support to protect their rights.

The best interests of offenders' children and their right to private family life are frequently prioritised below public protection and justice, leading to their separation from family members. Courts do not always apply the balancing exercise to assess impact on children when sentencing parents with caring responsibilities⁹. For children of prisoners who go into care, their best interests are ultimately decided by their Local Authority, which may result in tensions around contact with imprisoned parents.

Factors influencing a child's right to maintain contact after separation include prison restrictions on visits and phone calls, and the costs and distances involved in visiting a prison which can be hundreds of miles. Some children have no one to accompany them. Visits are currently tied to the Incentives and Earned Privileges scheme within the male prison estate, meaning a child's ability to see their imprisoned father is dictated by his behaviour and motivation inside prison.

The overall emphasis in policy-making is on contact as means of reducing reoffending rather than as a child's right¹⁰.

"It's affecting you, not them; they have to know how you feel not how they think you feel" – *Young Person*

With their rights-based approach to practice, children's advocates are uniquely placed to support offenders' children. Advocates represent vulnerable children such as those who are Looked After, in need, or leaving care. Prisoners' children will likely already be represented within these groups - when a mother is imprisoned only 5% of children remain in the family home, and 12% are looked after by the Local Authority or are adopted¹¹.

Offenders' children would benefit from advocacy throughout their family's involvement with the CJS; for example during court proceedings where they may be separated from a parent, or if they have to move accommodation as a result of a parent's imprisonment. As with Looked After children, highlighting what is in the best interests of offenders' children, and keeping their views

central in decisions that affect them, is vital.

Research shows that contact with an imprisoned family member is usually in the best interests of children¹², and advocates are well placed to promote offenders' children's right to family life. This can be done by representing children's views to others, for example their Local Authority; providing information on prison regulations, what a prison visit will be like and how to fund it; and organising accompaniment for a child whose carer is not able to visit.

Children's rights advocates can combat the discrimination which impacts on offenders' children's universal rights through targeted work to engage them, for example at prison visitors' centres, and by raising awareness of their needs within advocacy services.

'Children with a parent in prison should be able to talk to an adult in confidence who can help & support' – Bristol's Charter for Children of Prisoners

Offenders' children are a potentially vulnerable and "hidden" group whose rights need particular consideration and international bodies have recognised this. In 2011, the UN Committee on the Rights of the Child held a day of general discussion on the rights of prisoners' children, and the European Parliament's 2014 resolution marking the 25th anniversary of the UNCRC makes specific reference to children of prisoners in Article 13¹³.

How can NICCO support children's rights advocates?

"Promotes awareness of a vitally important aspect of young people's lives" – Connexions Worker, NICCO user survey

NICCO is a national one-stop information service for all professionals working with children and families of offenders. It brings together information that can support professionals, including developments in rights-based policy and practice relevant to children affected by parental offending, and hosts:

- resources for children and families and for professionals to use directly with children
- details of local and national services to signpost families to, that work specifically with children and families of offenders
- details of local training for professionals
- up to date, national and local policy frameworks, government guidance and recommendations about this group of families

- guidelines and toolkits to support professionals to work with these families, and to assist in developing setting-wide practice
- research into the impact of imprisonment on children and families

NICCO recognises that children's rights advocates work in a challenging role with demands on their time. NICCO puts all the resources in one place so help and information is there when it's needed.

- 1 Williams, K. et al. (2012), Prisoners' childhood and family backgrounds: Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners. Ministry of Justice.
- 2 Stalford, H. (2015) 'The role (actual and potential) of the EU in enhancing the rights of children of prisoners: legal and policy perspectives' in European Journal of Parental Imprisonment Spring 2015 – An Evolving Child Rights Agenda. COPE.
- 3 Rowntree Smith R. et al. (2007) Poverty and disadvantage among prisoner's families. Joseph Rowntree Foundation.
- 4 Jones et al. (2013) COPING, Children of Prisoners, Interventions & Mitigations to Strengthen Mental Health. University of Huddersfield.
- 5 Murray, J. & Farrington, D. P. (2008) 'The Effects of Parental Imprisonment on Children' in Tonry, M. (Ed.), Crime and Justice: a review of research, Vol. 37, pp.133-206. University of Chicago Press.
- 6 Murray, J. et al. (2009) Effects of parental imprisonment on child antisocial behaviour and mental health: a systematic review. University of Cambridge: The Campbell Collaboration.
- 7 Jones et al. (2013) COPING, Children of Prisoners, Interventions & Mitigations to Strengthen Mental Health. University of Huddersfield.
- 8 Light, R. & Campbell, B. (2007) 'Prisoners' Families: Still Forgotten Victims?' in Journal of Social Welfare & Family Law, Vol. 28, 3-4, pp. 297 – 308.
- 9 Minson, S. et al. (2015) Sentencing of mothers – Improving the sentencing process and outcomes for women with dependent children. Prison Reform Trust.
- 10 Evans, J. (2015) Locked Out: Children's experiences of visiting a parent in prison. Barnardo's.
- 11 Corston, J. (2007) The Corston Report. Home Office.
- 12 ibid
- 13 Wolleswinkel, R. (2015) 'Child rights in post-Lisbon Europe, what about children of imprisoned parents?' in European Journal of Parental Imprisonment Spring 2015 – An Evolving Child Rights Agenda. COPE.

Note: Children and young people's quotes are taken from interview transcripts for the following: Gill, O. (2009) 'Every night you cry: Case studies of 15 Bristol families with a father in prison', Barnardo's NICCO Quality Statements & Toolkit consultation with young people's group, Bristol, 2015

Existing rights-based practice

Barnardo's have developed a charter with children and young people affected by imprisonment in Bristol. The **Bristol Charter for Children of Prisoners** promotes children's best interests and makes recommendations for professionals.

Pact run youth group sessions for young people aged 12 – 17 who have a family member in prison. The **Hear Our Voice** project aims to empower young people to speak out and have their views on the Criminal Justice System heard.

Visit NICCO

Visit www.nicco.org.uk to discover resources to support you in your work with children and families of offenders and find out more. Sign up to become a member to receive free regular e-newsletters.

