

# TRANSCRIPT

## LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

### **Inquiry into Children Affected by Parental Incarceration**

Melbourne—Thursday, 31 March 2022

#### **MEMBERS**

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Ms Harriet Shing

Mr Lee Tarlamis

Ms Sheena Watt

**WITNESS** (*via videoconference*)

Professor Nancy Loucks OBE, Chief Executive Officer, Families Outside, and Chair, International Coalition for Children with Incarcerated Parents.

**The CHAIR:** Good morning, everyone. I would like to declare open the Legislative Council Legal and Social Issues Committee's public hearing for the Inquiry into Children Affected by Parental Incarceration.

Could I first begin by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands that we are gathered on today and pay our respects to their ancestors, elders and families. I particularly welcome any elders or community members who will be participating today or who are watching online.

Thank you to everyone who is watching online. My name is Fiona Patten. I am the Chair of the Legal and Social Issues Committee. I am joined today by Ms Tania Maxwell online, and in the room with me we have Mr Rod Barton and Ms Cathrine Burnett-Wake.

We are very lucky to have Professor Nancy Loucks OBE, who is the Chair of the International Coalition for Children with Incarcerated Parents. She also works with the organisation Families Outside.

Professor, if I could just let you know that all evidence taken today is protected by parliamentary privilege. This is through our *Constitution Act* but also through the standing orders of the Legislative Council. Therefore any information that you provide to us today is protected by law. You are protected against any action for what you say during this hearing, but if you were to go elsewhere and repeat those same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

We are recording this today, and obviously it is being broadcast live. You will receive a transcript of today's hearing in the next few days. I would encourage you to have a look at that and make sure that we have not misheard you or misrepresented anything that you have told us today.

We would welcome an opening statement from you, and then, as I said, we will open it up for committee discussion. Again, thank you for being with us at this late hour.

**Prof. LOUCKS:** Thanks very much for inviting me to speak. I have prepared a written statement just to make sure that I keep myself to time, but I am very happy to answer your questions afterwards.

As you will have heard yesterday and as you will hear again throughout today, imprisonment has a profound effect on the lives of the families left behind. In addition to navigating often alien criminal justice processes, families face a loss of income, unstable housing arrangements, worsening physical and mental ill health and loss of contact with the person in prison due to distance, the cost of travel and lack of access to transport. They face victimisation and threats to security, especially if their addresses are published in the press.

Children may face a change in care arrangements, especially when the mother goes to prison, and that can include frequent moves and separation of siblings. Children also face disruption in education due to changing schools or due to the need for older children to take on work or caring responsibilities. So we see families facing a loss of social support, lack of information, a lack of a voice in decisions that affect them and their family, and of course the stigma, which is perhaps the most important impact as it prevents people from seeking the help they need to deal with all of these issues.

Interestingly but perhaps unsurprisingly, stigma is less in communities where imprisonment is more common. We see this in places like Naples in Italy where the mafia kind of looks after its own and ensures that families are cared for, but you will have heard from Susan Dennison yesterday as well with her research in Australia and how commonplace imprisonment is in the Indigenous communities, for example, and therefore how stigma is less. But no child should have to consider imprisonment as a normal part of their lives, and that is absolutely critical.

Imprisonment of a household member is one of the 10 adverse childhood experiences which is proven in the research to increase poor outcomes in adulthood, including poor physical and mental health, substance misuse

and violence. But children who experience this particular adversity of household imprisonment are five times more likely to experience other adversities as well. Also worth noting is that pre-trial detention can have an equally significant impact but with the added stress of being uncertain in duration and with unknown longer term outcomes.

These are all common themes you will have heard in the research internationally. In some countries there are slight differences; for example, there might be deliberate policies in place to exploit these impacts. In Russia, for example, the separation of families is a deliberate element of the punishment, and families might have to travel for days or even weeks to visit. In countries such as Uganda there are more unintended consequences, such as additional risks to the family, such as exploitation, starvation and child sacrifice.

So I am very, very pleased that the Legal and Social Issues Committee is conducting an inquiry into this issue and that you recognise it as a serious one, both in terms of the immediate impact and the longer term risk. I want to emphasise that for many of these impacts we are talking about risk rather than inevitability. For example, some statistics reported in the press suggest that certain proportions of children follow in their parents' footsteps into prisons and therefore to intergenerational cycles of offending. I must emphasise that such impacts are not inevitable if families receive the support they need at the time they need it. We also need to think about our own motivations for asking these questions. We should not support children with imprisoned parents to reduce the risk of reoffending but because it is the right thing to do.

So in identifying positive practice, which I know the committee is keen to do, you will face a number of risks. One of those is the tendency to see children and families as a tool in mitigation or as a tool to reduce reoffending. Justice Albie Sachs, in the landmark *S v M* case in South Africa, said:

Every child has his or her own dignity ... he or she cannot be treated as a mere extension of his or her parents, umbilically destined to sink or swim with them.

I think that is really, really important because where children are mentioned only in relation to sentencing, this places the interest of punishment above the child's human rights. It also flags up the very common risk of shifting the focus from the child to the person who has committed the offence. And this is not about the offence, this is about the child—the child is not guilty, so it is trying to remember that.

Another risk of course is not recognising children at all. The UN's Standard Minimum Rules for the Treatment of Prisoners and the UN Bangkok rules both require information about children to be recorded when someone goes to prison, including ages, location and care arrangements, but very few countries actually do this systematically. Most statistics that we have about the numbers of children who experience their parents' imprisonment are based on estimates or formulas. So keeping children invisible really fails to recognise the opportunities that exist for support and prevention. For example, recognising children early in the adult justice process would allow for early planning, potentially preventing children being placed in the care of the state if the parent does have to go to prison.

Related to both of those risks is the need to balance child protection with the child's right to privacy. So where families are stigmatised or targeted they have good reason to fear exposure and to want to protect their right to privacy. A previous bad experience with state authorities has a bearing on their willingness to share information, and that unfortunately in itself can place children at very serious risk. A colleague at Children of Prisoners Europe shared their experience of a mother who was sent to prison for pre-trial detention, leaving her two-year-old daughter behind. She had had a very bad experience with state intervention when she was growing up, so she left a message for a neighbour to look after the child and did not tell anyone else the child was there. Unfortunately the neighbour did not receive the message and the child died of dehydration. So not only do questions about children need to be asked routinely and systematically but also the people who are being asked need to have confidence in what is being asked and why.

The good news—and there is good news—is that you have a number of tools already at your disposal. First, Australia has ratified the United Nations Convention on the Rights of the Child. In the case of children with imprisoned parents, there are a number of elements that are particularly pertinent, namely: article 2, the principle of non-discrimination; article 3, which is the child's best interest as a primary consideration in any decision affecting them; article 9, which is the right to contact with the parent; article 12, the right for children to have a voice in any decision that affects them directly or indirectly; and article 20, which is the right to support for children who cannot live with their parent. What is critical, however, is not just incorporation but

compliance with the UN convention. In 2018 the Council of Europe made a series of recommendations regarding children with an imprisoned parent which apply the UN convention to this specific context, and Children of Prisoners Europe has since translated these recommendations into more user-friendly language. I have sent a copy of those to the committee.

Second, and related to article 9—and I am nearly finished; I am conscious of my time—you can introduce policies to ensure that visits are recognised as a right of the child rather than used as a tool for the punishment and control of the person in prison. So that is something that you can already do.

Third, you can ensure that methods of contact for families when someone is in prison are flexible, are varied and are affordable. The recent pandemic has underlined the value of options such as video calls, bearing in mind that these should never substitute for in-person visits. Good-quality private family visits, such as weekend visits, are another opportunity for really positive family contact.

Fourth, the pan-European COPING study highlighted that schools can be a really valuable source of support when a family member goes to prison. Schools are non-stigmatising, they are universally accessible and they are helpful for reaching children who might not be in contact with other services. My own organisation in Scotland, Families Outside, provides training for teachers, for example, where we take teachers into prisons to experience what a visit is like and then run the workshops with them in the prison visits hall. We also have online resources for schools, as does Children of Prisoners Europe, which are a really useful toolkit for schools.

Finally, I just want to end by saying that designated support services such as Families Outside—and you have Shine for Kids in Australia, for example—can be really valuable in accruing considerable specialist expertise, but they should not be acting alone. To make things last, to make lasting change, we need to create support and policies and practice that are holistic and pervasive and connective. We need to make sure that these children and families are safe, that they are valued and that they are heard.

Thank you again for your time. I am happy to answer any questions. I get very carried away with this subject, so I will try to stop there and just happily have a conversation.

**The CHAIR:** Thank you so much, Professor. This is our second day of public hearings, so we are really starting to see those themes. I think it is somewhat good and bad from our perspective to see that other countries are struggling with the same issues. Data seems to be one of the most crucial ones. We do not seem to be collecting data at all. You spoke about the voice of the child in there and how important the voice of the child is throughout the process. I wonder if there are any sorts of examples or direct recommendations you can make about what that looks like, probably from the moment of arrest or from the moment when that parent is placed into custody.

**Prof. LOUCKS:** It is not easy, certainly in terms of hearing directly from children. One of the tools that we have explored in the past is looking at child impact assessments, for example, so you are actually asking children questions about what the imprisonment actually means or what the arrest means and what the return from prison looks like. A colleague in England is actually conducting some of that research at the moment and has experimented with different types of tools. It is important that these are about hearing the voice of the child rather than necessarily the voice making something equivalent to a victim impact statement, for example, where they are somehow arguing for a different outcome for their parents. That is a tremendous amount of pressure on the child, and if the parent goes to prison anyway, for example, then the child will somehow feel that they have failed. So this is about focusing on the child and on their experience and what is helpful for them.

Making sure they understand what is happening—it is so common for children to have this information hidden from them and be told that ‘Daddy’s working away’ or ‘Mummy’s in hospital’ or ‘Your brother’s gone into the army’ or something. So it is trying to make sure that it gives children the opportunity to have the situation explained to them in an age-appropriate way and then to be able to respond and to ask questions and to have those conversations. So I suppose it is just recognising them and respecting them for who they are and for what that experience is and the fact that they are the experts in their own experience.

**The CHAIR:** Thank you, Professor. You also mentioned—and I think it might have been in a video I was watching of a speech you did—prisons not having child protection policies or there being this real disconnect between child protection and prisons and the need for that to change. Do you think that that needs legislative change, or is that just setting up communication policies more effectively?

**Prof. LOUCKS:** I think it does not necessarily require primary legislation. It is just incorporating really standard child protection practices. It is recognising children as part of the prison context—that they might not be held in prison but they will still be entering prisons and entering into that space where they need to be recognised—but it is also making sure that staff in prison recognise their responsibilities. It might be things that they overhear in a residential hall in a prison; it might be photographs they see or people coming in to visit. There are other ways that child protection is relevant to them that they do not always recognise. They do not have to be working in the visits hall to have child protection issues relevant to their work and to their experience.

I think the video that you were watching was a slightly older one. We do have child protection policies in prisons in Scotland now, which did not exist before. For example, in Scotland we have been recently having a conversation about incorporation of the UN conventions into domestic law, and the focus in prisons seems to be on children in prison who are 16- and 17-year-olds, for example, rather than on recognising what this means for the people left behind. So it is trying again to shift the focus and recognise what we are talking about and why this is important.

**The CHAIR:** Thank you. Just finally before I move on to my colleagues, you also talked about how good prison visitation policy actually leads to a happier prison or a better prison. Is there any formula for how often visits should be allowed? Is there any advice about how prisons should allow visitation, particularly probably for children but I think, as you mention, for partners and for everyone to make it a happy prison or a better prison?

**Prof. LOUCKS:** I wish it were so simple as to have a calculation, but I think it is more about trying to recognise what families can do. If a prison has the time and the space and the capacity to facilitate visits, then fantastic. Certainly in Scotland we have a policy of a minimum two visits per month, but usually prisons will allow four visits per month but often more. If they have the time and the space to do that and it is feasible for the family to travel to do that, then they will allow that. I think things like video calls have allowed the additional capacity, so there is a bit more flexibility in terms of how people maintain contact. It is also cheaper and is a lot less onerous on families.

What we see, for example, is when children reach teenage years they tend to visit less frequently. That is often because going to visit Dad in prison at the weekend kind of wipes out your whole weekend, whereas if you can do a 10-minute video call instead and you can still go and play rugby with your friends, then fantastic. So it is trying to be as flexible as possible and recognising that contact is incredibly positive not just for the person in prison and the operation of the prison but for that connection. Again, it is the child's right to have that contact.

So I would not say there is a specific number or a specific way of doing this. It is just trying to be as flexible and versatile as possible and recognising that the more quality contact the better.

**The CHAIR:** The better, yes. We certainly heard from corrections during COVID over here that just actually having parents being able to speak to their children in their home setting with the dog, the family pets around and things like that was quite a remarkable change to the very artificial visits that occur in the correction facility. Thank you. I will move to Tania Maxwell.

**Ms MAXWELL:** Thank you, Chair. Thank you, Professor, and thank you for your time given it is so late over there. You have touched on this, so I just want to ask: would you recommend a care plan to be completed when a parent is incarcerated that would be inclusive of not only the parents' views but the family's views and the child's views? Because some children may not want to visit the prison and some parents may not want their children to visit, and I think that that whole process and plan needs to be very clear in those early days so that either there is interaction at the prison or out of the prison and so that those family members who are looking after those children know exactly what the rules are and what is being implemented in that care plan so that they can have a routine and stick to it, whatever it is. Is that currently happening?

**Prof. LOUCKS:** I would say it is happening in some jurisdictions. In Scotland we have something called Team Around the Child, which is a similar kind of multidisciplinary approach, and that is used in a number of different contexts. I would say it is probably not used as often as it should be in relation to children who have a parent in prison, again because so often that fact is hidden. Where possible we have been able to start those conversations with schools and so on so that they have that opportunity to ask questions.

I would agree that it is so important to be able to ask these questions and to plan ahead, ideally not waiting till the parent is already in prison but starting something ahead of time so we know what support might be in place and what support will be needed. But in terms of planning, it is also important to be able to revisit those plans, and if the child does not want contact at the outset, for example, it is making sure that they have the chance to change their mind if they wish to. Equally, we talk about the parents who might not want the child to visit in prison. There are a number of reasons for this, and again it is recognising that that might change with time. It is also making sure that we are asking these questions so we are not assuming one way or another.

We do get situations, again in Scotland, where a children's social worker might say, 'Well, the parent's in prison; therefore contact is a bad thing', without actually looking at the dynamics of that relationship and the safety of that arrangement. Conversely you can get a situation where a child may have been on the child protection register and the parent went to prison, so the social worker said, 'Well, the child's no longer at risk because the person who was perpetrating the offence is now separated from them', but then the prison staff will not know, if someone brings the child to prison for a visit, that there is a risk there, there is a threat there, because they are no longer on the child protection register. Sorry, it is a bit of a convoluted way of saying we need to ask these questions and revisit them.

**Ms MAXWELL:** Yes. I think, too, when the parent is released from prison it can be really difficult for the family to readjust, and I think that often when they are released, if it is a straight release, then they are often not connected to services that can help them go back into the family, because there may be some pushback. It can be difficult for someone who has been away from families to come back in and for things to move forward. Would you say that it is an imperative tool that they have a case manager, so probably the lead agency who was working with them would continue to work with them upon release?

**Prof. LOUCKS:** I think support can take a lot of different forms, whether that needs to be a formal case management type arrangement or whether there are other ways of providing that support. For example, as I mentioned before, just having that good-quality contact while someone is in prison allows for a lot of those conversations and planning and connection already to be in place. You see some really good parenting programs, for example, that can support people both in and out of the prison. But there might be other types of support that can be available, whether that is family mediation or family counselling—just something to help people recognise that the transition can be quite difficult. What we do get is families assuming—mistakenly, quite a lot—that once someone is out of prison everything is going to be fine, and as you say, the whole family dynamic will have shifted quite considerably, so they will need that support. Whether it is a formal case management approach—I am not 100 per cent sure that that is necessary, but some sort of support and recognition of the challenges ahead would be very helpful.

**Ms MAXWELL:** Thank you.

**The CHAIR:** Thank you. Cathrine.

**Ms BURNETT-WAKE:** Thank you, Chair. Good evening to you, Professor Loucks. I know it is coming up to about 11.30 in the evening for you in Scotland. I am particularly interested in the Convention on the Rights of the Child. You touched on a number of conventions. In particular I am interested in article 12, ensuring that children have a voice. I am interested to know what your thoughts are on how we can ensure that children do have a voice and a say about the decisions that are being made for them.

**Prof. LOUCKS:** As I said previously, in relation to methods for doing this there are a number of different ways of doing it, but some sort of impact assessment where children are actually asked their views on particular things, asked what support they have in place, asked what type of support they would like—these types of things—would be really important.

Can I suggest—there is some work that a lady named Aisling Parkes at the university of Cork in Ireland. She specialises in the rights of the child, and particularly article 12 rights, in relation to children with imprisoned parents. She has written quite considerably on that particular issue and would be much more of an expert than I would in terms of how this is done. It is quite tricky to get it right, I think, and I am not quite sure what that looks like yet.

**Ms BURNETT-WAKE:** Okay, thank you.

**The CHAIR:** Rod Barton.

**Mr BARTON:** Good evening, Professor. This is a subject very important to me, and I have got a few questions there. We will see how we go for time. Over the last period of time, as we moved to bring this inquiry on—and this is a self-referenced inquiry, and I want to thank the Chair for bringing this on—I felt almost a sense of hopelessness here in Australia, because the kids were not being heard. And I certainly know what happens: we lose them because we do not intervene early enough or when there are some signals there.

So have you got any data from Scotland about the intervention when we do get the opportunity to throw the support around the family and the kids in particular? Here in Australia, more often than not, if you have got a parent in custody you are going to end up in custody too—more often than not. Have you got any data in Scotland? Is that the same, or is it changing over the last 10 or 20 years?

**Prof. LOUCKS:** It is changing in the sense that I think it is an issue that is much more recognised now. I think that a huge step in the right direction is to recognise it as an issue, as you are doing with the work of the committee.

You talk about data, and I think as we discussed before this is such a hidden group. Having any kind of comprehensive data or comprehensive evidence is incredibly tricky. We do have case studies. We have a huge database within Families Outside of all the reasons that families contact us, but we cannot say that these are necessarily representative of the families who experience imprisonment, because the families we support are only a fraction of the overall number that would have this experience over the course of a year.

So it is challenging. The case studies that we have I think show very clearly that when people receive support and information they can actually cope with the situation much better. The reasons that children end up in prison as a kind of second generation I suppose are often very practical reasons. As I said before, if you are talking about a family that is already in difficulty—that is facing increased levels of poverty, that is facing exclusion from school or disruption in school, disruption in care arrangements, sometimes loss of employment depending on the stigma or the targeting that happens to them. Children might witness an arrest and completely lose trust in authority and be very hostile towards authority—children who begin to band together with other children in similar situations in order to have some sort of stability and structure and support in their lives.

These are all the types of things that increase the risk of offending. It is not the fact that someone went to prison that causes the risk of offending. It is all the other stuff that goes along with it. So if those are the types of things that we can address and recognise and support from the earliest possible stage, then we are already increasing the chance that these children will have much more positive futures. But it does take a lot of work and recognising them early and not just assuming that everything is going to be okay and putting all of your resource into the person who has committed the offence.

**Mr BARTON:** Yes.

**Prof. LOUCKS:** I do not know if that answers your question.

**Mr BARTON:** Yes, thank you, Professor. On vulnerable groups, in Australia I think our Indigenous communities are five times more likely to be arrested or put in custody—Chair, is that about right?—than the rest of the community. We are seeing people being arrested and being put into custody for very minor offences. Obviously this is having a huge impact on the kids in their communities. In your vulnerable communities do you have those same sorts of issues in Scotland—immigrants, people with very low incomes that are struggling in society? Do you have those same sorts of issues there?

**Prof. LOUCKS:** No, it is interesting, because we see a lot more of the divide in terms of ethnicity in England. In the US obviously you will see that much more. In Scotland not so much, but we do have different types of vulnerabilities—poverty being the main one—and a huge class divide, I suppose, in that sense, which often links to things like substance misuse. We have the highest level of drug-related deaths in Europe. We have real difficulties in terms of disparity of life expectancy. Within 20 miles you can get a difference in life expectancy of over 25 years, so it is a massive issue.

What we are seeing is recognising the vulnerabilities of poverty, substance misuse and mental ill health and recognising that these are not in themselves justice issues. They become justice issues, but what we are talking

about is that by the time someone gets to prison the health system has already failed, the education system has already failed and housing and poverty and all of these types of things have already failed, so it is about trying to point the attention and the focus much earlier. That in itself will reduce the prison population, and by reducing the prison population we are reducing the knock-on effects on the families left behind. So it is a different type of vulnerability but with the same types of issues that we are facing.

**Mr BARTON:** Thank you, Professor. Thank you, Chair.

**The CHAIR:** Thank you. This is the Legal and Social Issues Committee's ninth inquiry this year. We have been looking at homelessness. We have been looking at the impact of historical convictions and the impact of drug use, and education and disadvantage seem to be hand in hand and really the core of how we can address the more wicked problems that we see at the acute end of our corrections system, for example. I know you said to not go where I am about to go, but I am going to go there. On the protective factor of maintaining those family connections as far as reducing recidivism and reoffending goes, I think that your organisation has done some work on this. I am wondering if you could speak more about the impact of maintaining those family ties on the family and, as I say, on things like housing and on things like employment but also on things like reoffending.

**Prof. LOUCKS:** Yes, so this is something that there have been a number of pieces of research done on over the last few decades in relation to this, and you will get different figures. The range is up to a six-times reduction in reoffending if positive family contact is maintained. The accepted figure within the UK is, I think, a 39 per cent reduction. Whatever the figure is, it is a big impact compared to other types of offending behaviour programs, for example. But regardless of what the actual figure is, a lot of it is common sense. If people maintain family ties, they are more likely to have a place to live when they come out and they are more likely to have social support, links to employment, financial support and all of these things that are buffers in terms of reducing the risk of reoffending, so that is where that protection comes in.

One of the things that we do within our organisation is trying to recognise the benefits to the rest of the family as well, because it is recognising that family contact is not always the best thing, depending on the nature of the offence and depending on the nature of the relationship, and that can work both ways. Sometimes the family is not a great influence on the person coming out of prison, but it is just, again, about trying to recognise what those dynamics are and not assuming one thing or another. But there are very practical reasons why that family contact is a protective factor.

**The CHAIR:** And I think it goes to what Tania Maxwell was talking about as well: that reunification can be complicated, but if there has been that maintaining of contact, it probably flows more easily. Tania, I cannot see you, but do you have any further questions?

**Ms MAXWELL:** No, not at the moment, thank you, Chair. I think that often with this information and, you know, the content that we are receiving, sometimes it is good to be able to go back over the transcript and really sit and think about it, because we are often hearing very similar information in the inquiry. Sometimes it takes that little bit of time to sit back—or it certainly does for me—and actually think about it: 'Gee, what did we miss from the questions that were asked?'. If the professor is okay to eventually take some questions on notice at some stage, that would be greatly appreciated.

**Prof. LOUCKS:** Absolutely. I am happy to do that. There is a lot of information—much more research out there now than there used to be. Certainly even in the last 10 years there has been a huge amount of research in this area, so if there is anything that you would like to see more evidence in relation to, I am very happy to send it your way.

**Ms MAXWELL:** Fantastic.

**The CHAIR:** Thank you, Professor. Just one simple question to finish up on: do you have any thoughts on—

**Mr BARTON:** How do you fix it?

**The CHAIR:** Yes, basically—the whole-of-system policy and what that would look like? I am guessing it is something that is very interconnected with education, health, child protection and corrections, but do you have

any further thoughts on what sort of whole-of-system policy we should be looking at and how regularly that should be evaluated?

**Prof. LOUCKS:** This was a simple question?

**The CHAIR:** I know. Thank you. You know, it is nearly midnight over there. I am sure you have had the whole day to think of the answers. I know we will go back and look at a lot of the research and recommendations that you have found, but is there something crucial that we should be taking away from this this morning?

**Prof. LOUCKS:** Gosh. If I am looking at that bottom-line sort of thing, I think it is making sure that every organisation—I mean, it is a single issue in terms of the impact of imprisonment on families, but it cuts across so many different areas in terms of financial impact, welfare benefits, health, schools, all of these things. It just cuts across every single area, and it is making sure that there is a wider awareness of this issue so that families are recognised and reflected in every area of policy and practice where they can possibly be recognised and reflected. I think that is important.

One of the things that we have been working on quite a lot recently is in relation to making sure that families do have a voice and are consulted. I mean, for example, in the health and wellbeing of someone in prison, making sure that the impact on families is recognised so that if you are making a decision about where someone is going to live on release—that affects the family as well, but they are not usually brought into that conversation, and if they are, they are brought in very, very late. What does it mean for someone in prison if they are having a health issue? It should not necessarily be left up to the person in prison to alert the family to that fact. There is a tendency for the next of kin not to be notified unless the person is actually dying or has died, for example. It is recognising what types of decisions prisons make for the person held there on a daily basis and what impact those have on the family. I can feel my brain shutting down. I do apologise.

**The CHAIR:** Yes, I know.

**Prof. LOUCKS:** I think you can kind of hear it happening. The transcript is going to be really interesting at the end of this. I suppose the bottom line is recognising the families in every possible element and at every possible stage—ideally at the early stages—so that any kind of planning for the impact can be recognised and addressed before someone ends up in prison.

**The CHAIR:** Thank you. It was an enormously large question to finish with, so I do apologise for that. But I think you did it beautifully. It has got to be across government; it has got to be across all areas of services. There is just one more quick comment or thought that I wanted to ask you about. I think I saw it in that video, which albeit was a few years old. You made the analogy with families experiencing divorce: we talk about divorce and have tools to talk to children about divorce, but the number of children that may experience a family member being incarcerated was about the same as the number of children experiencing divorce. Am I correct in that, because that seemed an extraordinary number?

**Prof. LOUCKS:** In the UK it is actually higher, but the problem is we do not actually know who these children are. You usually know when someone is going through a divorce. We are talking over the course of a year. If we were talking about over the course of a lifetime, the numbers of divorce might be higher, but over the course of a year it is a higher number of children who experience a parent's imprisonment than their parents' divorce. We also know from various bits of research, which I can send to you if that will be helpful, that the impact on children of a parent's imprisonment is actually greater than the impact of parental divorce or even a parent's death, which is really interesting, in terms of the health and wellbeing impacts on children. But the difference between imprisonment and bereavement, for example, is that when there is a death in the family there is a kind of gathering of social support and empathy and practical assistance and things. When it is imprisonment, that does not happen. It is still a dramatic separation but without the support that goes along with it. It is something that Kenneth Doka, a psychologist, talks about as disenfranchised grief, where it is a grief that cannot be or is not socially supported. I think we are dealing with that [inaudible].

**The CHAIR:** Yes. And that goes to that shame and stigma element of this. Professor, thank you so much. I really appreciate you doing this so close to midnight in Scotland. We have learned a lot from you today. Thank you again for the work that you have done over the decades as well in this really important area. We will be learning a lot from you and from some of the policies that you have been instrumental in getting through in

Scotland. As I mentioned at the outset, we will send you a transcript of today. You will be surprised by how brilliant you sound. At 9 o'clock in the morning you sound amazing. Thank you again on behalf of all my colleagues here and the secretariat. We have appreciated all of the information we have received from you at this hearing. Thank you.

**Prof. LOUCKS:** Thanks so much.

**Witness withdrew.**