

# **Prisons, Prison Officers and Prisoners' Families**

## **Operationalising the SPS Family Strategy 2017-2022**

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## Key Findings

- There has been significant progress made by prisons in relation to their work with and for families of people in prison.
- All the participants in this research were passionate about their work with families and the importance of this.
- There are many examples of good practice in relation to families across the prison estate, but not always opportunities to make sure this learning is shared or replicated.
- While there was a general awareness of the Family Strategy and a recognition of elements distilled into operational documents it was seen as most, or solely, important for Family Contact Officers.
- There were felt to be some discrepancies between the rhetoric of the Scottish Prison Service and their Family Strategy and the practice in relation to families in some prisons.
- The Family Contact Officer role could be seen as simply a “stepping stone” for promotion or perceived as less valued than residential officers.
- While there were examples of families being treated with dignity and respect this was not felt to be consistent across all staff.
- There were examples of broad definitions of family being used, and flexibility in accommodating this, but there was not always a consistent approach across all prisons.
- Families were viewed predominantly in terms of the role they can play in the reduction of reoffending, but also in terms of their own needs and rights as individuals.
- The system the prison officers worked in could sometimes constrain their ability to work in rights-based ways. A distinction between roles focused on care and control and a perceived over-emphasis on the latter were mentioned.
- Covid 19 has offered opportunities to change the ways in which families are able to engage with people in prison and the prison itself. The technological introductions were all welcomed and it was felt they should continue in some way.
- There has been a significant impact on family relationships from lengthy periods of separation and a lack of meaningful contact, as well as the effects of isolation on those in prison during the pandemic. This is likely to continue to have an impact on prisoners, their families, and their relationships for some time.
- The inherent nature of the criminal justice system and the high prison population in Scotland will constrain how much the Scottish Prison Service can achieve in relation to working with families.

## 1. Introduction

The largely detrimental impact of a member's imprisonment on families is well-established and this evidence-base formed part of the basis of the current Scottish Prison Service (SPS) Family Strategy which was published in 2017 and runs through until 2022. During this period of time there have been significant additions to the available literature and knowledge around the experiences of families of prisoners, and a change in the focus of both this literature and the wider national context in Scotland to looking at families using a rights-based lens. 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.

The data on which this report is based comes from interviews with ten prison officers working across five prisons in Scotland – HMPs Barlinnie, Castle Huntly, Edinburgh, 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 and included Family Contact Officers, staff working in Integrated Case Management, 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. It does so by firstly outlining the good practice that is taking place in relation to families of prisoners across the five prisons who took part in the research. It then goes on to look at where the rhetoric does not always match the operational reality of working with families in prisons and the constraints that the system and prison culture can place on staff. Finally, it explores some of the learning that has come from Covid 19 in relation to families of prisoners.

## 2. Literature Review

The largely detrimental impact on families of having a member in prison has long been recognised, and the SPS Family Strategy 2017-2022 explicitly drew on this body of literature and research both in its creation and within the contextual section of the Strategy. This generally negative impact can be in economic, health, emotional and psychological terms (see, for example, Murray and Farrington, 2005; Condry, 2007; Comfort, 2008; Wildeman, 2010; Smith,

2014; Miller and Barnes, 2015; Condry and Smith, 2018; Gueta, 2018), and can often result in an intensification of existing inequalities (e.g. Condry, 2007; Codd, 2008; Wakefield and Wildeman, 2014; Jardine, 2019).

While there has been a significant increase in the amount of research on families of prisoners over the last decade in particular, with a related increase in focus on families within penal policy, who families of prisoners tend to be seen as has changed little since the original work carried out in this area by Morris (1965). The vast majority of research still focuses on the (generally female) partners of (male) prisoners and their (often younger) children (Paylor and Smith, 1994; Scott and Codd, 2010). This is despite explicit recognition within this Family Strategy and other penal policy and strategies (e.g. Farmer, 2017; HMPPS, 2019) of the need to “use a broad definition of family” (SPS, 2017, p. 5). The small body of research which has taken place outside of parent/child or partner relationships has included siblings, parents and wider extended family (Meek, 2008; Granja, 2016; Gueta, 2018; Deacon, 2019). It has also begun to highlight the experiences of those family members who may be serving sentences at the same time, whether in the same or different prisons (da Cunha, 2008; Deacon, 2019; Halsey and De Vel-Palumbo, 2020), with those who experience this simultaneous imprisonment tending to be the most marginalised within society. All of this work shows similar effects from this family member’s imprisonment, emphasising the need to consider family more widely.

Since the publication of the SPS Family Strategy in 2017 there has been a significant amount of research carried out in relation to the experiences of familial imprisonment, and also a shift in its focus. In relation to how family is viewed, this has seen an argument that “family” should not be viewed simply in terms of being a biological unit but that it is about what family “do” and “display” (Jardine, 2018). This relates to how the SPS Family Strategy recognises that people have many ways of both defining what “constitutes family” but also “what being a part of a family means to them”.

There has also been a move within this research to argue for the supporting of families and a recognition of their needs and rights on their own terms rather than as an extension of the person in prison and in relation to their, or the wider prison’s, needs (Condry and Smith, 2018; Jardine, 2019; Minson, 2020). This is in some way reflected by the SPS’s own views in relation to children’s rights to see their parents, framed as exactly this, the right of the child rather than

the privilege of the prisoner, which is not the case in other UK jurisdictions (McCarthy and Adams, 2017).

Linked in to these rights-based arguments is the change in context within Scotland since the publication of the SPS Family Strategy in 2017. The UNCRC (Incorporation) (Scotland) Bill is currently sitting with the Scottish Government after being returned to them following a challenge in the Supreme Court. While this Bill may not yet have been passed the Scottish Government have made their intentions to fully incorporate the UNCRC, or as much as they are able to with devolved limitations, clear. The Independent Care Review (2020) also published its findings of their root and branch review of the care system in Scotland as *The Promise* in February 2020. Further to this, legislation was introduced in July 2021 through the Children (Scotland) Act 2020 and the Looked After Children (Scotland) Amendment Regulations 2021 recognising participation rights of siblings in Children's Hearings and the rights of siblings within the care system to stay together, or if this is not possible to ensure contact is maintained. The *Staying Together and Connected: Getting it Right for Sisters and Brothers* national practice guidance (2021) specifically recognises that this includes siblings who are in prison. 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 growth, and shift in focus, of the literature around familial imprisonment, as well as the changing landscape in Scotland around children's rights, provides the context for this research report. This project sought to explore how the current SPS Family Strategy is being operationalised by frontline prison officers across the prison estate, and how this work fits within these wider rights-based discussions.

### 3. Methods

This report is based on interviews with ten members of Scottish Prison Service staff across five different prisons. They were carried out between April and September 2021.

The SPS staff taking part in this research held the following roles:

- Family Contact Officer (FCO)
- Family Community Liaison Officer
- Integrated Case Management (ICM) Case Co-ordinator

- Integrated Case Management Casework Co-ordinator
- Offender Outcomes Team Member
- Operations Shift Manager

They were working across the following prisons:

- HMP Barlinnie
- HMP Castle Huntly
- HMP Edinburgh
- HMP Greenock
- HMP YOI Polmont

Recruitment took place through the Governors, or other designated staff, within each prison. They were provided with the Participant Information Sheet, Consent Form and Privacy Notice by the researcher as well as details of the purpose of the research and requirements for participants. On receiving this information potential participants were then able to contact the researcher and arrange an interview.

Given the nature of participant recruitment the voluntary nature of participation was emphasised at the outset of the interview and participants were advised that should they decide they no longer wished to participate that this information would not be passed on to anyone within the SPS.

Verbal consent was sought and obtained from participants prior to the interviews taking place, and then recorded at the start of each interview. Written copies of the Consent Form were provided to participants for their information only.

Interviews took place using Teams or by telephone, whichever option the participant preferred and was able to access the required technology to participate using this method. All the interviews except one took place during the working day for participants. Interviews lasted around an hour and were audio recorded. Interviews were transcribed by an external transcription company before being checked by the researcher.

All participants have been given participant references (PO X) within this research, although given the small number of participants and the potentially specialised roles that they hold the limited nature of this promise of anonymity was explained to the participants prior to their being

interviewed. References rather than names have been used due to the small numbers of participants and the greater potential for identification where gendered names are used and can be identified as holding specific roles or working within a particular prison. Where information or other identifying features within quotes may have led to the identification of participants these have been removed.

A thematic content analysis of the interview transcripts was carried out and this took place using NVivo.

Limitations from this piece of research arise from the small number of participants, and the fact that they come from a limited number of prisons across the SPS estate. The fact that initial contact lists for participants were chosen by senior staff within the SPS also leads to the potential that this does not reflect opinions or experiences across the workforce and that those with more favourable views about or experiences with families may have been favoured.

#### 4. Findings

This section begins by outlining the many examples of good practice that are taking place across the prisons which took part in this research. This is specifically in the areas of provision for children, induction processes, Integrated Case Management, Family Strategy Groups and partnership working.

It then goes on to consider where elements of the rhetoric within the Family Strategy are not yet fully reflected in the frontline experience of working with and for families within prisons. This is considered in terms of the perceived worth of the FCO role, elements of communication with and about families of prisoners, who is seen as “family” and how families are viewed in terms of their role in reducing reoffending and in terms of their own rights as individuals.

Where aspects of the Family Strategy are not being achieved, this is not always down to the attitudes and behaviour of individual officers but can also be due to the context and culture that they are working in. Therefore elements of prison culture and silo working, where there is a differentiation between “care” and “control” roles within the prison, are outlined to explore potential barriers to working well with families.

Finally, the section concludes with some learning from Covid 19. This is both around positive changes in terms of the introduction and use of technology, as well as the negative implications for family relationships arising due to the lengthy period of restrictions around contact and the harmful isolation experienced by those within prisons during this time.

#### 4.1 Promoting Good Practice

There were numerous examples of good practice that is taking place within the prisons taking part in this research. This is not to say that all of these provisions were introduced solely due to the current SPS Family Strategy. The fact that there is a document, or rhetoric, highlighting the importance of families however does provide a legitimacy to this type of work (Evans et al., 2021), allowing prisons and their staff permission to think and do things differently.

This section of the report goes on to outline examples of good practice in the following areas:

- Provision for children
- Induction processes
- Integrated Case Management
- Family Strategy Groups
- Partnership working

While there were examples of good practice across the prisons there were not established forums or processes to allow these to be easily shared. There was an acknowledgment by some of the FCOs that they could contact their counterparts in other prisons if they had questions or wished to discuss a specific issue but some also said they missed the opportunity to all meet regularly once or twice a year as they had done previously.

Where everyone is busy and working in a pressured environment, something which has been heightened due to Covid 19, the opportunity to set aside and spend time outside of the prison at a national conference or learning day can allow staff to fully concentrate and focus on sharing good practice and learning from colleagues. There is knowledge and experience within the SPS but this may need some form of facilitation to ensure that it is shared between individual prisons or staff, and would contribute to one of the National Actions within the Family Strategy in respect of sharing best practice.

#### 4.1.1 Children

There is a strong focus within the Family Strategy on children, with this being one of the Priority Actions – “We will actively promote the wellbeing and positive life outcomes for children affected by parental imprisonment”. The prominence of this theme is reflected in the fact that much of the good practice that was spoken about by the prison officers was in relation to the provisions for children, generally either specific visits or events which they were able to take part in. As per the focus in the Family Strategy on children in relation to “parental imprisonment”, within some of the prisons these events were available only for children to have contact with parents in prison rather than with other family members, such as siblings, grandparents or other relatives. There were exceptions to this, with Castle Huntly allowing children to attend their family days regardless of their relationship to the person in prison, and Greenock allowing children and grandchildren to attend family or bonding visits.

The populations across the different participating prisons were very different – including men, women and young people, as well as those on remand, serving short-term, long-term or life sentences, and those within the open prison – therefore the needs of these populations in terms of family events and provision may have been different. The physical estates at each of these prisons were also very different, with some able to have built visitor centres, some in the form of a bus, and some with no space or provision for a visitor centre at all. There were also differing spaces and possibilities within the prison buildings themselves. The prison populations also differed geographically with some coming from across Scotland while other prisons were local with prisoners likely to come from within a small radius. It is therefore recognised that not all prisons can have the same provision but some examples of good practice are included here to highlight the good work and innovative provision that is taking place across the SPS estate.

- Family days – these can include a range of activities and provision depending on the prison and partner organisations – for example, a play bus, bouncy castle, the opportunity to bake together, arts and crafts.
- Seasonal events – Summer BBQ, Easter, Halloween, Christmas events including Christmas dinner and Christmas parties where Santa will give the children a present and a present will also be bought to be given to the child by the person in prison. At Greenock photos could be taken at these events and copies provided to the person in prison.

- Family/Children's/Bonding visits – these are called different things in different prisons but are provided on top of a prisoner's allowance for ordinary visits and allow greater freedom of movement and interaction between the child who is visiting and the person in prison, generally their parent. The numbers of people in the room is less than in ordinary visits and they can take place in a separate, more customised space than the main visit room. Polmont is due to remodel their visit room to incorporate booths which have beanbags, rugs, TVs, etc. to try and provide a more relaxed setting for visits. Depending on the prison, there were toys, soft play, arts and crafts, board games, PlayStations, sandpit, etc. provided during these visits.
- Parenting classes / Fathers Programme.
- Special events – e.g. family football events, cinema days, sports days, Gala Days, cakes provided for children's birthdays.
- Special regular sessions (often provided with external partners) – Learning Through Play, Homework Clubs, Let's Read Together, Book Bug and Rhyme Time session, baby massage.

While this provision is aimed at “children” often the specifics of what is provided is particularly for younger children. Sometimes this may be down to the partner organisation who provide these services, for example Early Years Scotland who only work with children up to the age of five. While older children may be less likely to visit (Casey-Acevedo and Bakken, 2002; McCulloch and Morrison, 2002) thought should still be given to how to engage all children in these experiences. By ensuring that young people's voices are heard and taken account of this will ensure that their specific needs and experiences are reflected in what is provided. For example, the KIN arts collective<sup>1</sup> run by Vox Liminis and Families Outside has successfully engaged young people in arts based work which explores their own experiences of familial imprisonment while also working to create social change for those experiencing a family member's imprisonment in the future. Under the incorporation of the UNCRC children are defined as under 18 years old so this may also have an impact on future provision where children's visits should be available to all those under the age of 18, which is currently not the case across all prisons.

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<sup>1</sup> Further information about KIN is available here: <https://www.voxliminis.co.uk/projects/kin>.

#### 4.1.2 Induction

There is no standard induction process across all the prisons, and the inclusion of families at this point, and how this takes place, also differed depending on the prison. Generally, across all the prisons involved in this research, FCOs would meet with all prisoners during their induction and would ask about family, and in particular if they had children. FCOs would also be able to then contact family members if the person in prison was happy for this to take place, and at this time could either simply highlight that they were there as a source of information, or answer questions or provide information as required. While this may have been of most use to families of those in custody for the first time the fact that different prisons all operate slightly differently means that this is likely to have been of use to all families.

Where some prisons had developed this process a stage further for families, this involved either providing Induction Packs to families when they visited or sending this out to them. Some of the prisons also held specific induction sessions where family members were able to come up to the prison to take part in some form of induction (this had obviously ceased during the Covid restrictions but were due to return). In Barlinnie, these sessions would be run in partnership with Families Outside (a national charity working on behalf of families affected by imprisonment) and The Croft who run the visitor centre at the prison.

*“ [...] we’ll invite the families up and it’ll be the family contact team that’ll meet them. We’ll take them through the whole process of what it is. If you’re coming in to visit someone, the visits room, let them see that as well. Explain the procedures with them, what they’re allowed in, what they’re not and we’re going to give them an information leaflet as well that’ll basically give them information on how to, like, contact their relatives whilst in custody [...] How to book a virtual visit as well, one of the video calls and also how to book a face to face visit, how to hand in property, how to hand in cash.*

*So we’ll go through all that with them and if there’s anything at all they want to ask us, then they’ll get the opportunity to obviously ask us questions as well or discuss anything that they’re needing a bit of support with, or they’re unsure of as well [...] it’ll let them see the room and what’s available to them [...] They’re not coming up to the unknown, they know what’s going to happen, they know what’s available for them as well when they do come up for the visit and what they’re allowed in, what they’re not.”*

These “family induction sessions” are something which is noted within the Family Strategy as something the SPS will do under their Family Contact Key Theme.

This, early, level of communication with families and recognition of their needs should be in place in terms of the needs of families and how these should be met, but they also benefited the prison. Participants mentioned the importance of providing this information to families, partly to ease the worry and stress that they will be facing at this time, but also because it saves having to spend more time on dealing with these issues later on. The potential to reduce the number of calls that come from families around practical aspects, for example visits or paying money into Prisoner’s Personal Cash (PPC) will mean that staff have their time freed up to work with families in other ways. With limited numbers of FCOs within prisons this potential reduction in some of their workload by dealing with concerns early on in a prisoner’s arrival at a prison is important.

Families, and visitor centre staff, have spoken about the confusion there can be over the processes in place within prisons, how to find out about these, and that they can vary across the prison estate (Foster, 2017; Jardine, 2019; Barkas et al., 2021). The opportunity to provide this information as soon as someone comes into prison, and in a written “pack” format that can be referred back to after the initial period where the verbal information may not be easily taken in and retained is key. That said, comments were also made that there was not always a high take-up of these packs by prisoners. Obviously, without speaking to the prisoners themselves we cannot know why this is, though officers felt it may be that the prisoners were happy to pass the information on themselves, and there is also the possibility that if they have been in prison before they may feel that their family does not need these resources. Comments made by some officers around the importance of building relationships and trust with prisoners and their families in relation to other aspects of their work may also be a factor here. If this is the case then providing further opportunities to take up these induction packs following the initial point of entry to custody could address this.

#### 4.1.3 Integrated Case Management

Another Key Theme within the Family Strategy is that “Families feel included and engaged” and that to achieve this the SPS will “actively encourage, facilitate and support family engagement throughout a relative’s time in custody”. This engagement includes families being involved in

“the planning and preparation for an individual’s return to the community” and including them in “decisions that may involve or affect them”. Families’ involvement in the Integrated Case Management procedure is an example of this taking place.

Given the nature of the roles participants in this research held it is not possible to speak about the ICM process consistently across all of the prisons who took part in this research. Where this was a focus in the interview it was clear that staff felt family attendance at ICMs was important, but that this was only taking place in around 20-30% of cases (this was prior to Covid, as restrictions had had an impact on family attendance). The target for family attendance is set at 18%, which one participant felt was too low to really encourage attendance, though also being mindful that it was the choice of the person in prison whether they wanted to have family attend at these meetings.

Family attendance was seen as particularly important for pre-release ICMs, rather than those held annually, which was reflected in where they felt families were more likely to attend – for longer or life-sentenced prisoners coming towards their release date. Attendance of family members would be encouraged and accommodated through in-person attendance (pre-Covid), as well as by video link and by telephone. The role of personal officers in encouraging family members’ attendance was noted as being key.

Barriers to family attendance were seen as coming from where the prisoner felt there was no “good news story” or progression and this is something which will have been exacerbated by Covid and may affect future willingness to invite family members to these meetings.

The benefits of family attendance was seen as not only around having an opportunity to hear how the prisoner is doing, and to play an active role in their progression and planning around this, but also the opportunities that came from families coming in to the prison for these meetings.

*“It breaks down the barrier of the families on the outside thinking this is a really, really scary place. ‘Cause if you don’t know, if you’ve never been in a prison before, then you don’t really know what to expect. And our ICM room’s pretty much in the middle of the jail so the family members have to come through the jail. So it kind of gives them an idea of where their family member is every day and things like that. And we can point out ,this*

*is where he goes to work, this is the hall that he's in, this is where he goes to education. So it definitely breaks a barrier down there.” (PO10)*

These ICMs only take place for prisoners who are serving a long sentence (four years or over) or who are convicted of sex offences and serving six months or longer. Thus, while ICMs can offer a valuable opportunity for engaging positively with families and building relationships, there are limits on the numbers of families who can benefit from being involved in this process.

#### 4.1.4 Family Strategy Groups

One of the local actions outlined in the Family Strategy is that “Local Family Strategy Groups [are] to be established with clear improvement plans to promote and deliver the outcomes of the Family Strategy [and are] to meet regularly”. This does not appear to be happening consistently across the prison estate (this was both prior to and now following the Covid 19 restrictions, where the use of these groups was clearly impacted by the restrictions in place during this period). While obviously who attends these groups and how they are structured or run will depend on the needs and specific circumstances of individual prisons, there should at least be a consistent level of priority attached to them and regularity of the meetings across the estate.

Where these Family Strategy Groups were run regularly and well there were examples of them allowing a range of interested stakeholders to meet. Some had considered how to include input from family members and included FCOs bringing families' views through speaking to visitors, through Families Outside and the families they work with, and in one case working towards inviting a family member to join the Group. There are obviously issues around all of these forms of participation of families in this process, including a focus on those who visit rather than including the views of families who either cannot or choose not to visit, or on those who have sought help or support, who are often the most able to speak compared to more marginalised groups. This is not a criticism, but merely to highlight these issues which staff are likely already aware of. Indeed, some participants highlighted these challenges in their accounts:

*“I think if the actual families had more of a say. And I think families would probably come up if it was a meeting or if it was something, to actually voice their concerns about how we're doing things or telling us how we're doing things right or...just like a little group maybe like we do with the prisoners. We take, like, a focus group and we take a few prisoners out and, right, what kind of things could we do better? Could we do that*

*with families as well? I think we probably could, just to hear what they've got to say, what we're doing right and wrong. What we could do better." (PO3)*

The Groups which ran regularly also evidenced how they were committed to working towards targets and were used to monitor and evidence progress towards meeting the aims and objectives set out within the Family Strategy. Some had Action Plans which formed the agenda for the meetings and were the basis of allocating responsibility for specific items to members of staff within the Group. These are strong examples of good practice, as these steps will support Groups to deliver meaningful outcomes.

#### 4.1.5 Partnership Working

One of the guiding principles of the Family Strategy is that "Effective partnership working is key to successful outcomes". There were many examples provided across the prisons of good partner relationships. These included partner organisations who provide services at children's visits such as Early Years Scotland. There also appeared to be strong relationships between FCOs and staff in visitor centres, which were run by different organisations depending on the prison (e.g. CrossReach, The Croft, Barnardos). There were open lines of communication between FCOs and visitor centre staff who could be brought in when necessary and where they were best placed to offer a family member support.

*"So, [Visitor Centre Organisation] have been, during COVID, phoning, if it's somebody that's maybe not good with technology, we'll pass their number onto them, and they'll phone them and talk them through the whole kind of sign-up process, to try and get them, like, working with virtual visits, since they couldn't come in, like, pre-Covid, to visit." (PO7)*

FCOs and visitor centre organisations also worked together at induction sessions in one of the prisons, along with Families Outside.

Families Outside were also mentioned as a key partner with participants speaking about working with them in a range of ways. This included being part of the induction sessions mentioned above, FCOs making referrals to and receiving referrals from them for family members, Families Outside attending and running workshops in the prison to provide

information about their service to families, and through their attendance at Family Strategy Groups.

## 4.2 Rhetoric vs Reality

*“ [...] 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 think we say all the right things and on paper if somebody is looking over it, it looks like we’re doing them. Whether we are doing them or not, it’s open to question [...] 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)*

*“I look at the, you know, the Family Strategy, you know. And do you know what, it reads really, really good, it reads really well. And if we were implementing all that stuff there, then what a wonderful place the prison would be in terms of, you know, connecting with families. However, that’s in an ideal world. But, you know, what I will say is that, in my experience, the prisons have done well in regards to engaging families.” (PO2)*

The SPS Family Strategy sets out a number of ways in which families of prisoners should be defined, why they are important, how they should be treated and what provisions should be made for them to maintain relationships with their family member as well as be involved in their journey through the prison system. Speaking to prison officers across the five prisons who took part in this research it is clear that the implementation of this Strategy across the different prisons was not consistent. This is not meant in terms of what is provided for families of prisoners specifically, it is recognised that all prisons are different, as are their populations. It is instead in terms of a differential in the understanding and implementing of the Strategy, and whether what prisons or the SPS as an organisation may say they are doing is actually reflected in their processes and behaviours.

Some participants 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 some participants did highlight a lack of consistency in behaviour towards families. Rather this 'gap' between policy and practice 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 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.

Some of the key areas where what the Family Strategy has said should be taking place is perhaps not fully reflected within individual prisons or practices are outlined below.

#### 4.2.1 Family Contact Officers

The Family Strategy states that the FCO's role is to "engage primarily with families (family facing), helping them to remain connected and build their agency." While this can cover a wide range of activities and vary depending on the prison and its population, generally this covers elements such as running the prison's families events, facilitating bonding visits, facilitating compassionate visits and attending in ordinary visits (though depending on shift patterns this was not always at weekend visits which were noted as being the busiest). They would also deal with telephone calls from families on a range of subjects, either dealing with families' concerns or requests themselves or referring on where necessary. FCOs have working relationships with a range of outside agencies including those who provide specific provision at children's visits or special sessions (such as Early Years Scotland), Families Outside, organisations that run the prison visitor centres and social work. They meet with new prisoners and some also run induction sessions, or contact families in other ways on a prisoner's entrance to the prison. They are also involved in organising elements of the Family Strategy Group at some of the prisons.

A comment made by one participant, however, suggests that the importance placed on this role and subsequent investment in it can depend on individual Governors.

*"I mean, we're lucky in so much as both [Adult Female Prison] at the time and [YOI] now, they invest heavily in family contact officers, not every prison does..." (PO6)*

Not all the prisons who took part in this research had full-time FCOs working within them. While obviously not all prisons are the same size and may not require the same number of FCOs, the fact that there is no one doing this role full-time, despite requests having been made to fund this post, suggests that it may not be prioritised equally across all establishments, or by the management levels in the SPS itself. A business case put in to support getting a full-time FCO had been turned down due to the prison not having a high enough capacity for it. Instead operations officers could volunteer as an FCO on top of their other role, but despite management facilitating this it created logistical problems where they were not available at set periods making contacting, or being contacted by, families or organisations such as social work more difficult.

Perceived value placed on this role could also be taken from the grading of the post. FCOs are currently Band C positions within the SPS, sitting below Band D Residential Officers. One participant spoke of how they had been asked, and given the opportunity, to apply for a Residential Officer role, which would have involved an increase in salary, but had chosen to remain in the lower band FCO role. The FCO role was also spoken of as being seen as a necessary requirement for those wishing to go to the Promotion Board, a “stepping-stone” to gain the experience to go on to a higher grade post. They can therefore become a post people do for a short period of time, because it is something that is required of them for promotion or because it has a lower monetary value. This can result in lower levels of knowledge and experience which do not have the time to be built up and an inability to build relationships and have the trust of families – the importance of which is something which is discussed further later in this report. A potentially lower value being placed on these posts contradicts the skills needed to do this role well, particularly those which are relationship based and reflected in the extra lengths taken by some staff.

*“Yeah, that’s it, they don’t know what to expect. There’s been times where I’ve actually physically had to go outside of the jail to, like, meet, like a family member, because they’re so nervous. And come in and like talk them through exactly everything that’s going to happen, like stage by stage.” (P07)*

The Family Strategy recognises the importance of the skills and training needed to carry out roles across the prison: “Additional training and support for staff who work directly with people in

and leaving our care and their families will be provided with continuing professional development opportunities thereafter.” However, this is not always reflected in the operational reality of working as an FCO. When asked about specific training for this position, participants noted that this did not exist and that instead they often had to go out and find things for themselves, but that some requests for course attendance had been declined. There obviously may have been operational reasons for this, or the requested course may not have been relevant, but this does create a lack of consistency in training across the estate. There may also be a lack of opportunity to share good practice in this regard, where for example one prison had sent staff on training around the Welfare Fund and elements of benefits which may have been useful for all prisons dealing with home leaves.

#### 4.2.2 Communication with and about families

One of the Guiding Principles of the SPS Family Strategy is that “Family members are treated with fairness, dignity and respect”. This was behaviour that was evidenced by all of the participants, but which some did not feel was consistent across all prison staff in their dealings with families.

Treating families with dignity and respect was something that participants spoke about as being important and for some was something that they thought staff did well.

*“But I think the main thing, and I go back to this quite a lot is, when the family approach a prison, and I know, as soon as they approach a prison, they should be met, and they should be greeted by a friendly face. And somebody that’s non-judgemental, somebody that’s supportive, and somebody says, welcome to, you know, to such and such a prison, it’s good to see you up here, you know, maintaining contact with somebody, you know, and we hope your visit goes well, and we hope that you will hear a lot of positive stuff in terms of, you know, from your loved one, or whatever, and in terms of how they’re progressing here.” (PO2)*

*“...my team are really good and the vast majority are very approachable, very friendly. And again because it’s a smaller community we get to know faces and things, we have a laugh and a joke with visitors coming in. We do our best to put people at ease. We don’t want to make people feel uneasy, particularly families and children. So we do our best to support people who come in.” (PO4)*

Others did recognise that this approach was not always consistent across all staff.

*“ So we really need to get it right, rather than being met and greeted by, you know, 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, you know. 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, you know.” (PO2)*

*“And I think they see people, like with white shirts, and like, there is officers, maybe, that have been here for ages, and they're quite, like stern. And like, 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. Whereas, they might be like, oh no, he's a bit scary.” (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 – between prison staff and prisoners as well as between staff and families.

*“It takes, to be honest with you, it takes a bit of, like I say I've only been three or four months here, it does take a wee bit of time. Firstly, I think you need the trust of the prisoner, first and foremost, because it's quite difficult for them. They don't want you to know a lot about their family, for some strange reason. I don't know whether they think that if they do something wrong in the prison whether you would go to the family and tell them what has been going on with them. I don't know, but a lot of the time they like keeping it kind of private or at arm's length, their families.” (PO3)*

Early initial contact with families to make them aware of the FCOs and potential support on offer opened up these channels of communication while still allowing family members the choice of whether to engage.

Although there were examples of staff building these relationships there were also barriers in place to achieving this. One was the “white shirts” mentioned by a number of participants here,

and in previous research (Jardine, 2019; Deacon, 2020). They can symbolise power and a separation between staff and families. Staff at one prison spoke about how there had been discussion when the FCO post was created over what they would wear with the decision ultimately being that they would still wear the prison officer “uniform”, though they were able to wear civilian clothes at family days.

Similar issues of trust in relation to statutory organisations such as social work could see a reluctance of prisoners to give names of children and grandchildren to be checked for child protection concerns prior to approval for children’s visits due to fears of what else might then happen with this information.

Examples were also given of the importance of trust between prison staff and prisoners themselves in relation to being able to provide support if needed around family relationships. This was mentioned particularly in relation to the role played by personal officers, but also residential officers who may be aware of someone returning from what appears to have been a difficult visit or telephone call. An awareness as well of how what was described as “rapport” can help these conversations to take place.

*“And if you’ve got a good rapport with the prisoners, that’s a lot easier and you can talk through the rationale behind his behaviour and then maybe why something’s happened on the outside.” (PO10)*

Again, however, the system within which staff operate places barriers in terms of these relationships, with prisoners being felt to be “guarded” or that they will “risk assess” what they shared with staff. Therefore, even where staff try and build these important relationships the context in which they operate can make this difficult to achieve.

#### 4.2.3 Who is family?

The findings from this research suggest that FCOs and other prison staff encounter numerous complexities when working with families. This section will consider the multiple family forms described by participants, and the consequent implications for operationalising the Guiding Principle that “Every family is unique”, and that “individuals have many ways of defining what constitutes family and what being a part of a family means to them”.

There were differing responses across the prisons which illustrated whether the work around families really recognised this wide description of who can be family members, and what being a family means to people within prison. As noted above within the Good Practice section, often the focus can be on (younger) children when thinking about family. There is little provision within special “family” visits for those who are siblings, parents, or other relation of the person in prison. There is also not always a recognition that extended family members such as aunts, uncles, cousins or grandparents may have had a significant role within someone’s life perhaps even providing elements of care, informally or formally, when they were a child. This focus on nuclear family is a reflection perhaps of the focus of literature in this area, and therefore the resulting evidence-base that is drawn on (Paylor and Smith, 1994; Scott and Codd, 2010).

When asked about who was family – e.g. who FCOs generally spoke to, or who attended ICMS – the majority spoke about partners and children. This tended to also be the focus of family related questions at induction – did someone have children or a partner. While main points of contact were noted as usually being a partner or a parent others were mentioned, such as aunts/uncles, grandparents, cousins and siblings. This could be dependent on the population, with parents (generally mothers) mentioned more in relation to those in the YOI, and prisons with mixed gender populations noting that generally there was less involvement of family in terms of visits and ICM attendance for female prisoners. In ICMS, most often it would be a partner who attended but, again, other relatives were mentioned.

It was also made clear by one participant that the criminal history of family members did not affect them being involved in the prisoner’s life and journey through the system.

*“...in terms of who we contact, you can have the worst criminal record as you like, but if you’re that person’s support then that’s the person we’ll get in touch with.” (PO1)*

As well as the sections below highlighting differing family relationships, the acknowledgment and provision for differing needs of individuals could also be seen. A specific example given by one participant was where prisoners had visitors who were on the autistic spectrum and struggled in the ordinary visits. Instead, they arranged for them to attend at a visit on their own when no other visits were taking place.

#### 4.2.3.1 *Who is a parent*

While the examples above contain a focus on parents and partners as the main family members in people's lives, examples were also provided of where there was a flexible and less narrow and prescriptive way of recognising who could fill a parental role in someone's life.

*"[...] if the person in custody has maybe also had somebody who's been in their care like a niece or nephew in the community and they're the supporting parent, if you like, or the supporting relative. We would still allow that." (PO4)*

*"I mean, whether you're the biological father or not, he could still be a huge influence on that child's life, so, yes, granddads, uncles, brothers, cousins, we would encourage all of that, definitely." (PO1)*

Though this flexibility and wider inclusion was not reported across all of the estate. For instance, one participant noted that in the previous prison they had worked in grandmothers could have "children's" visits with their grandchildren but this was not possible at their current prison, despite acknowledging that some of the female prisoners were grandmothers and had essentially brought their grandchildren up.

#### 4.2.3.2 *Who are children*

While there was some recognition that family could mean different relationships for different people, often the focus on children was on provision for younger children, though examples were given of events or provision aimed at older children, such as football events, pool and snooker tables and PlayStations. Where children were discussed, however, this was generally in relation to visits with parents or alternative caregivers.

Children were defined differently in different prisons with some allowing children's visits or family day attendance for those up to sixteen and some for those under eighteen. Although one participant also gave an example of where a family with children both under and over eighteen were all allowed to visit together.

*"We also facilitate, we had a large family who were in before and the children were...some of them were ten, eleven years old. But then there was one that was eighteen and one that was twenty. So this woman said, can I not see all my children at once? So we said, well yeah, okay. Because it's brothers and sisters and it is still your children. So we do*

*that. But we wouldn't have done that had it not been for the younger children being there. If it was just the elder ones it would be no, it's a normal visit. So we can show that discretion and a bit of flexibility depending on circumstances. (PO4)*

The incorporation of the UNCRC will of course mean that anyone under the age of eighteen should be classed and treated as a child.

#### *4.2.3.3 Siblings*

By classing children's visits as for those who meet the criteria of being a child due to their age and their relationship with the person in prison this could result in child siblings of prisoners being ineligible to access these more relaxed and informal forms of contact. Although the evidence around the impact of sibling imprisonment is limited compared to parental imprisonment, that which exists shows that it can have a similarly detrimental impact on children and young people (Meek 2008; Deacon, forthcoming).

Aspects of sibling contact are perhaps most relevant for the YOI whose population are younger and therefore more likely to have siblings who are children, but is not a concern exclusive to this location. This issue was recognised by the participants from the YOI and that sibling contact was beneficial but issues were raised due to the age of these siblings who were older and so felt could pose a security risk.

*"However, we've been pushing...we recognise that the sibling contact can be really, you know, beneficial, not necessarily to the person we've got in here, but to the young person on the outside, you know. But we've never really come up with...we talk about it, we know, it's how we're going to manage it because some of these siblings can be 15, 16, you know, and we've had like security issues in the normal visits with 15 year olds passing stuff, you know, so we are still a prison and we need to be careful." (PO6)*

This example again highlights some of the challenges officers encounter when attempting to balance "care" and "control", and the tensions the SPS might face in promoting children's rights within a custodial environment.

#### *4.2.3.4 Children in Care*

Given the particular impact of maternal imprisonment on the living and care arrangements of children (Corston, 2007), this means the issue of prisoners having children who are in the care

system, through either formal kinship care or other care placements, is one that will arise. There will also obviously be children within the care system for reasons outside of the imprisonment of a parent to whom this will also apply. Issues around the facilitation of this contact were noted in relation to some social workers being “more reluctant than others to bring the children into the prison environment”. Concerns were also raised by staff around supporting and encouraging this contact where while the person was in the more stable environment offered by the prison they were able to engage with their children, yet on release this was no longer possible for them to maintain. These concerns were felt to be shared by social workers and have been reflected in research with children of prisoners themselves (Deacon, 2019).

There were examples though of practice of specifically recognising and meeting the needs of families involved in the care system.

*“We do kind of, there is room for discretion. So, for instance, we had a prisoner who’s a lifer in [Section of Prison] and he didn’t have any children, he came to prison quite young. But when he was going to go and get liberated, he was going to go and stay with his mum and dad but they had kinship care of his nephew who was only about five or six years old. So what we done with that was we allowed him family visits because we realised that he needs to have some sort of bond. And this wee boy needs to know him basically before he goes to the open estate and home leave he has to live with him.”*  
(PO4)

*“On Thursday mornings we do our social work visits. So the social workers will get in touch with us just to say there’s a court order in place and they’ll email the court order. It could be weekly, fortnightly or monthly face-to-face contact visits for a dad in custody with his children and it’s the social work that’ll bring the child up if the child’s in care.”*  
(PO8)

Further consideration may need to be given to sibling relationships for children and young people in care following the introduction of legislation under the Children (Scotland) Act 2020 and the Looked After Children (Scotland) Amendment Regulations 2021 in July 2021. This states that brothers and sisters will have new rights to participate in Children’s Hearings where contact with their siblings is being considered and emphasises the importance of maintaining

relationships for siblings within the care system, some of whom may at points find themselves within a prison.

#### *4.2.3.5 Simultaneous Imprisonment*

A very specific family relationship which is not explicitly acknowledged within the Family Strategy, or most existing familial imprisonment literature (see da Cunha, 2008; Deacon, 2019; Halsey and De Vel-Palumbo, 2020 for exceptions), is where multiple family members are serving sentences at the same time, either in the same or different prisons. When asked about these types of relationship all participants spoke about examples they knew of where this had taken place. These included siblings, parent/child, partners, or multiple relationships within the same prison. There were examples given where arrangements had been made for someone to visit an imprisoned family member during their home leave or where family in the same prison could attend visits together with family coming in to visit them both rather than this having to take place separately.

While the Prison Rules sets out the minimum number of visits each prisoner can receive this is not the case where these would be inter-prison visits, or take place within a prison where family members are located within different Halls. Instead the Rules state only that a prisoner is “entitled to receive a visit from a person who is a prisoner detained at, or on temporary release from, another prison [...] only in exceptional circumstances and where the Governor of the prison, or the Governors of the prisons involved give consent”. They do not mention inter-prison telephone calls.

This meant that decisions around levels and frequency of contact between these simultaneously imprisoned family members was different across different prisons. The importance of facilitating this family contact was recognised by the prison officers who took part in this research but different approaches were taken to doing this across the different prisons. At times this inconsistency can be difficult for people in prison, causing them to be unsure of their entitlement and what they are able to ask for in relation to contact with these family members who are also in prison (Deacon, 2021). Attempts to formalise procedures around this in one prison, however, have resulted in a reduction in the contact which was taking place when staff had had the responsibility for facilitating this contact themselves leaving prisoners penalised by this formalisation process.

#### 4.2.3.6 No family

Examples were provided of where individuals had no family support and instead these roles were filled by others, often from religious communities or volunteer prison visitors. This was noted as being more common for older prisoners who had been in the system a long time or those convicted of sex offences.

*“[...] We have one offender who is of the Jewish faith and his family have disconnected with him but the Jewish community from their supports have come together and nominated a befriender and they’ve come along and supported that offender in that transition.” (PO9)*

*“...And even friends. You know, some people may not have any family but we will allow a friend that’s been supportive to them in the past, or can offer some supports in the future.” (PO9)*

These accounts suggest that engaging productively with the key supporters of people in prison will require FCOs and other prison staff to continue to embrace this expansive view of ‘family’.

#### 4.2.4 How families are viewed – Rehabilitation and Rights

Much of the SPS Family Strategy is framed in terms of families’ role in reducing reoffending or within the desistance process. This is made explicit within one of the Priority Actions in the Strategy – “We will actively encourage and support meaningful engagement by acknowledging the strengths and assets that families and wider social networks have to contribute to an individual’s desistance journey.” This is in line with the SPS Organisational Review, *Unlocking Potential, Transforming Lives* (2013), which placed reducing reoffending at the centre of the work of the prison service, and framed this work in the terms of desistance theory.

This framing was reflected in how many of the participants spoke about why families were important within the prison system.

*“So like, the main thing that I would say regarding the Family Strategy, it’s all about trying to get the prisoner, whether it’s short-term, long-term, it’s all about rehabilitation.” (PO5)*

*“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. Because you do see it, maybe they might not have a relationship with their mum and dad, they maybe go out one time the relationship's good, they maybe stay out for six months instead of two weeks. Things are not bad. So it does help." (PO4)*

*"It's really, really important from day one of them coming into prison because it's one thing that'll help them with their, like, rehabilitation if they've got family support there and a good bond with their kids, so it is, it's something I'm actually quite passionate about." (PO8)*

There were also comments made, however, about the importance of families in terms of their rights, and being seen as separate to the needs of the person in prison or the prison itself. This illustrates at least a partial meeting of one of the noted outcomes of the Family Strategy which is that "Staff have a greater understanding of the impact of imprisonment on people in our care and their families."

*"An individual's support network on the outside can massively change how their life goes when they get out of here. If they have a strong stable support network then that helps them, but, also, on the flipside, I think, some people...it's easy to forget that this individual in here has so many connections on the outside and they are like almost...it's a cliché and you probably hear it all the time, but serving their own sentence, and they are, like it's tough for them" (PO1)*

*"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 [...] But for me it's more about the families. 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)*

There was significantly more of a focus on families from a desistance and rehabilitation viewpoint than in terms of their rights. This is likely to be a reflection of the training received by prison officers which where it covers families is in relation to the prisoner and reoffending, as well as the focus of the prison system more generally on having a role to reduce reoffending.

There is a recognition of the role of rights in relation to family contact in the Scottish prison system, however, where the SPS has always framed contact between children and their parents as the right of the child rather than the privilege of the person in prison. This is contrary to what takes place in England and Wales through their Incentive and Earned Privileges Scheme (McCarthy and Adams, 2017). Understanding these rights for family members more widely, however, is perhaps not always seen in the same light.

There were also other promising examples of instances where families were seen as individuals with their own interests, rights and preferences. This could be seen through an example given of where there had previously been assumptions around families simply being pleased the person in prison was coming home to them, but that there was now a realisation it wasn't as "clear cut" as that. There was now a consideration of the impact of this, even temporary, return home on families – whether in practical financial terms or emotional. This shift in understanding led to training around the Welfare Fund taking place with FCOs to provide this support to families where someone was returning home to them on home leaves.

#### 4.3 Silo Working / Prison Culture

Often when we think about families of prisoners and prison staff for whom this is an important area, we think of Family Contact Officers (FCOs). While the Family Strategy sets out the role and right or need for families to participate across a prisoner's journey through their sentence this is not always reflected in how staff see the role of families.

*"I think most officers I think you would ask in the prison service anything about families, they would probably tell you they don't have much or don't have anything to do with it, if they're being honest. They don't have anything to do with families." (PO3)*

This was reflected in comments when interviewees were asked about knowledge or awareness of the Family Strategy.

*“In a residential role, or an operational role, probably not so much to be fair, and, obviously, it would be brought to our attention that this Strategy is here and please make yourself familiar with it, but it would be more if you, off your own back you wanted to go and, kind of, delve into that strategy and have a read through it, but it’s definitely more prominent in the FCO role understandably than it is to residential or operational.” (PO1)*

*“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)*

It can also be seen where when asked about good practice or where families were recognised or the Family Strategy aims were met across the prison, most participants spoke about the importance of visits. This was particularly in relation to special children’s visits or events that were put on for children and their parents in prison. This perhaps reflects elements of a silo working, that visits are the only place that families are visible and their needs recognised.

While there was a general awareness of there being a Family Strategy, though that it was perhaps not directly relevant to their role, officers did speak about how elements of the Strategy would have been distilled down by management into operational documents they would use in their roles. This could be, for example, within an ICM Guidance Manual, Annual Development Plan or Children and Families Action Plan.

The comments above suggest that operations or residential staff may not see the Family Strategy as relevant to their role. Instead, this is a document for FCOs only as they are the ones that deal with families. This division in roles can lead to what some participants spoke about as a lack of connection between the different areas of the prison. The visits space and the residential areas were seen as separate, with staff in each not always being connected together.

*“And I don’t think there’s a very good link between the family contact officer, the prisoner and the personal officers either. So maybe if a family member ’phoned in to ask a family contact officer a question about case work or when the prisoner would be offered*

*programme work or something like that, that wouldn't be information that the family contact officer would have access to straight away 'cause that's a totally different area of the prison if that makes sense." (PO10)*

This disconnect did not always prevent good communication between FCOs and Hall staff taking place however. Examples were given of when family members phoned the FCOs with concerns about the person in prison and they would make contact with the prisoner as well as filling in a concern form and making sure that the Hall staff were aware of what was going on for that person. Similarly, should someone approach the FCO, or other visit staff at the end of the visit similar processes would be followed. One FCO also commented that although FCOs were not present at weekend visits that they would expect any member of prison staff at the visits to offer support if it was required.

There was also some concern expressed by one officer around the labelling of certain aspects of the prison, or certain staff, as being about either "care" or "control". This is not to dismiss the need for security within a prison, or to say that "caring" for families, or about prisoners in respect of their families or connection to the outside community means that staff do not also have to carry out work that would fall under the definition of "control". It highlights, however, how work relating to families can be viewed, as well as the difficulties of working in more caring ways within a prison environment. Something that has been reflected on previously in terms of trauma-informed practice within prisons (Vaswani and Paul, 2019).

One participant spoke about different roles within the prison and how they were within the "care and opportunity" or the "custody and order" side of the organisation.

*"So there's role conflict happening throughout the whole of the Prison Service right now. Somebody will come up and they'll think, my role today is just to make sure he doesn't get drugs in, my role today is to make sure that he behaves himself. Whereas, you know, like my role in terms of the rehabilitation will be, I'm going to help that guy today, you know, make a positive decision, you know, that will help him and his family. So, yeah, there's a lot of role conflict, you know. In a big place like [Prison], you go into a big hall, a busy hall it's like custody and order. The care and opportunity will come further down the line. (PO2)*

How this feeds into elements of a wider prison “culture” rather than simply being about the behaviour of officers as individuals can be seen in the further reflections of this participant:

*“I think what it depends on is, it doesn’t just depend on the individual member of staff in terms of the prison officer, in terms of their morals or values, or what he or she brings into the job. It depends, really, on the regime. Because quite often, if you’re an officer, and you’re working in a certain regime, in a certain prison, you’re almost expected just to join in there, you know – this is our Hall, we run it, it’s quite an austere kind of environment, we expect you to fit in. 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, you know.” (PO2)*

These accounts would suggest that the ability of prison officers to fulfil their role as they would like can be limited by the wider culture and institutional priorities of the prison where they work.

#### 4.4 Learning from Covid 19

This research was planned prior to the beginning of the Covid 19 pandemic but due to the obvious impact this has had on the prison system questions were introduced to explore any potential benefits and opportunities this period may have brought in relation to families of prisoners, as well as consider the issues which it has clearly raised.

In terms of benefits, this has mainly come from the introduction of technology-based ways of communicating which participants noted have been spoken about for many years but little progress had been made towards their introduction. While this technology has not been without its issues, some of which will still need consideration should the provisions continue, overall they were viewed positively by the officers who stated that they hoped that they would continue. The introduction of virtual visits has enabled visits to continue at times when travel was restricted, but has also allowed visits to take place for individuals where, for example, the location of the prison, health problems of visitors or distance from the prison (including where visitors reside in other countries) may previously have limited the ability of people to visit their family members. The use of this technology is something which has been called for previously, even prior to Covid 19 (Farmer, 2017).

The introduction of mobile phones, with the provision of 300 free minutes a month, has also allowed a flexibility around contacting family members, potentially allowing them to work and socialise without feeling tied to their home to receive a telephone call at specific times. It has also provided a level of privacy that is not possible where a phone is located on the landing of a Hall, and where in-cell telephones are not available (as is the case across the Scottish prison estate). As with virtual visits the introduction of in-cell telephones has, again, been called for previously (Farmer, 2017).

The introduction of online bank transfers into PPC accounts was also noted as beneficial for families who no longer have to spend time and money travelling to a prison to hand in money for someone. It is important to note here that these views are of prison officers and research with families themselves may surface different feelings.

As well as virtual visits there has also been the introduction of the opportunity to attend ICMs by telephone or video link for family members, as well as participants stating that professionals attending case conferences by virtual means could be a more pragmatic approach. Issues were raised around the potential for families to record these calls or to not drop out as required for certain parts of the meetings. It was not felt that this should mean that these options should be automatically removed however, simply that any potential risks must be managed.

Virtual attendance at funerals, with support provided by an FCO or chaplain, was also raised as beneficial for people during the Covid 19 restrictions. With the removal of travel restrictions and numbers who could attend funerals it is expected that this will no longer be needed but is included here as an opportunity offered by technology.

There are obviously also a number of issues within family relationships which have arisen from the long period of severe restrictions in family contact due to Covid 19. To provide an understanding of how long these restrictions have been in place: all in-person visits to prisons in Scotland stopped on 24<sup>th</sup> March 2020. Virtual visits were introduced three months later in June 2020, with the first mobile telephones also being issued in this month. In-person visits resumed in August 2020 with social distancing measures meaning that there were fewer numbers in the visit room and shorter visits. There was also a requirement to wear a mask when entering the prison. Physical distancing was required during the visit, though children under the age of 12

were exempt from this. As restrictions were again tightened in the wider community and a level system introduced dictating the severity of these for different areas specific prisons saw visits suspended almost as soon as they had been introduced (e.g. HMP Grampian in August and HMPs Barlinnie, Low Moss and Shotts in September 2020). In November 2020 all visits were suspended for areas in Levels 3 or 4 (covering all prisons except HMPs Dumfries, Grampian and Inverness) except in exceptional circumstances. At this time compassionate visits were still allowed, with the reasons for these including where a child under the age of 18 was visiting a parent, grandparent or sibling (all data taken from the Scottish Prisoner Advocacy and Research Collective (SPARC) Covid 19 Updates). With the Family Strategy stating that “The best interests of children are paramount to any decision making” this is reflected in these statements around compassionate visits for children.

Visits resumed nationally on 26<sup>th</sup> April 2021, though still with limited numbers, social distancing and public health measures in place. At the time of writing it has been announced that all Covid 19 legal restrictions in Scotland will end on 21<sup>st</sup> March 2022. It is not known how this will translate to restrictions on life within, and visits to, prisons in Scotland.

When speaking about the Covid 19 restrictions within prisons, one participant questioned the length of time taken to reintroduce visits and whether enough was done in terms of thinking about families, though also recognising that the low levels of Covid 19 cases in the prison would be justification for this action. While visits are currently taking place they are also still not back to normal, and some thought this normality would not return for some time, so were still difficult for families who had to wear masks, have no physical contact (except for children under 12) and without cafes or tea bars that had previously been available in the visit room.

While virtual visits may have provided some opportunity for contact it was acknowledged that this was in no way the same as in-person contact. The lack of this will have caused a reduction in the quality of some family relationships, with participants mentioning it in particular in relation to allowing parents to bond with their young children and babies when they could not see them in person or hold them. Families themselves have spoken about the impact of the reduced contact and what they felt was a lack of information (Barkas, 2020) and how the loss of contact has negatively impacted children’s relationships with their parents in prison as well as their general wellbeing (Minson, 2021). Minson (2021) also noted the long-term effects of this separation, including after someone’s release as the family member returns home.

Uncertainty and delays in home leaves and the parole process has also impacted on family relationships, and has compounded the already existing issues around people in prison being able to access offender programmes. One participant noted that prisoners may have deteriorated during Covid 19 and be afraid to see family due to this even though visits are now possible.

The greatest issue raised by participants when asked about Covid 19 was the rise in mental health concerns for people in prison. These were sometimes raised by family members, and even where they were not are likely to be a concern for families. The Scotland in Lockdown project highlighted the detrimental impact on the mental health and wellbeing of those who were experiencing high levels of isolation and lack of service provision within the prison system during the lockdown (Gormley et al., 2020). With prison regimes still not having returned to normal (and the potential for further restrictions should new variants arise in future) these will be legacy issues which the SPS is likely to be dealing with over many years, including the period of time of any future Family Strategy.

## 5. 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, as well as before this. Much of this is in terms of provision for children and in relation to the environment visits take place in but is not limited to this. Participants spoke of families also being involved in induction sessions, ICMs, processes around home leaves, the parole process, and the holding of recognition events to celebrate the achievements of prisoners.

There is a range of provision for children including children's or bonding visits, seasonal events, family days, sports days, cinema days, baby massage, reading and Learning Through Play sessions. There is, however, little specific provision for these types of "special" visits with other family members, or even for children to visit relatives who are not their parents or official caregivers.

Further examples of good practice were around the provision of induction packs or induction visits for families and through the encouragement and facilitation of family members to attend ICMs. Family Strategy Groups at some of the prisons met regularly and worked towards action

plan targets to monitor and evidence improvements in the experience of families and meeting elements of the Family Strategy – though this was not consistent across all the prisons. Finally, there was evidence of strong working relationships across a number of partner organisations, and particularly with visitor centre staff where a centre was present at the prison. There is a wealth of experience and good practice across the SPS and the ability to share this was something prison officers would welcome.

While there was an understanding of how the Family Strategy may feed into documents relevant to different roles or parts of the prison, such as Annual Development Plans or the ICM Guidance Manual, generally it was felt that the Family Strategy was only, or most, relevant to FCOs and related roles. 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. Though this is not to say that there were not good working relationships evidenced between FCOs and residential officers.

It was noted by one officer that the prison were doing well in terms of “meeting the basic needs” in terms of the logistics and organisation of visits and other family events. When you look beyond this, this can be where there are some discrepancies between the rhetoric of the Family Strategy and the reality of how it’s aims are operationalised by prisons and their officers.

The FCO is seen as the main point of contact for families, and that families play a key role in the work prisons do with people in their care, yet they are a pay band below residential officers. Being seen as a “stepping stone” in the promotion process, or simply wanting to progress to a higher pay band for financial reasons, can result in someone being in the post for only a short period of time. This neither allowed staff to build up experience of working with families nor time to build the trust and relationships needed to do the job well. Not all the prisons even had full-time FCOs and instead the role was done on top of an officer’s other duties.

There were many examples of good communication with families of prisoners and with prisoners about their families as well as the treatment of families with dignity and respect by officers. However, some prison officers who participated in this research felt that this respectful treatment of families was not always consistent across all prison staff. Participants also gave examples where positive work with families could be constrained by the wider demands and operational priorities of the prison system.

While the Family Strategy states that “individuals have many ways of defining what constitutes family and what being a part of a family means to them”, there is still a focus on children, and particularly children with a parent in prison rather than other family members, or family type relationships. There is also an assumption within the Family Strategy that family members are always outside of the prison rather than it being possible for multiple family members to be serving sentences simultaneously. There were, however, also examples of where staff worked flexibly and exercised discretion to allow those with different relationships to maintain them.

Families tended to be viewed firstly in terms of their ability to play a role in someone’s desistance journey and in terms of reducing reoffending. This is unsurprising given the focus of the 2013 SPS Organisational Review on desistance and the fact prison officer training is carried out by SPS staff. The fact that this was spoken about so much shows the success of this shift in mind-set about families and a knowledge of the research in this area. Since 2017, however, there has been a shift in how families of prisoners are discussed in literature. The argument is increasingly made to support families in their own right, not solely because they are a resource to reduce reoffending, and to take a rights-based approach. This approach was not missing from participants’ discussions of why families were important but was less prominent.

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 deeply about their roles in terms of both prisoners and their families, but these could be restricted by the system of which they are 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.

The prison is an establishment which plays a role within a wider criminal justice system which separates and causes harm to huge numbers of families each year, many (57%) where the person in prison is remanded and then does not go on to receive a custodial sentence (Howard League Scotland, 2021). The focus is often on control rather than care, and an individual rehabilitating themselves rather than a system addressing their trauma and the needs which may be behind any offending behaviour. While the SPS and their staff can work towards improving the experiences of prisoners and their families this will always be constrained by limitations due to the high number of people within Scotland's prisons, and the inherent nature of the prison system itself.

## 6. 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 might learning from activities which promote high quality family contact be shared across the estate?

- How might the Family Strategy be extended to better meet the needs of families who experience simultaneous imprisonment?
- 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 FCOs and other prison staff promote the rights of all children, including 16 and 17 year olds?
- How can the SPS ensure that they are helping to Keep The Promise? What actions can be taken to help support sibling relationships?
- 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, at both an operational and strategic level? How can competing organisational demands (e.g. care vs control or flexibility vs security) be balanced?

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