



## Prison Advice and Care Trust (Pact) Briefing

# Victims and Prisoners Bill

## House of Lords, Committee stage,

January 2024.

We are providing this briefing in the hope of securing your support for the amendment that has been laid by The Lord Farmer, and supported by The Lord Bishop of Gloucester and The Lord Ponsonby of Shulbrede, which relates to children whose primary carer is sent to prison.

***Proposed New Clause after Clause 56: Data collection in relation to children of prisoners. This amendment introduces a requirement on the Secretary of State to publish data annually on (a) the number of prisoners with primary caring responsibilities for children; (b) the number of children who have a primary carer who is in prison; and (c) the ages of those children.***

There has been a longstanding gap in our understanding of the true scale of parental imprisonment. Accurate, reliable and accessible data on the number of people in prison with dependent children, and the number of children affected has not been available, and this remains the case today.

The estimates that are available suggest that parental imprisonment is an issue that has become increasingly widespread over recent decades as the prison population has risen dramatically. Current estimates suggest that:

- Approximately 312,000 children across England and Wales are affected every year.<sup>1</sup>
- 7% of children will experience the imprisonment of a parent at some point during their time at school.<sup>2</sup>
- Around 100,000 children have a parent in prison on any given day.<sup>3</sup> This milestone was reached for the first time ever in October 2023.

We believe that it is important to avoid stigmatising this vulnerable group of children. Many children with a parent in prison go on to lead positive and fulfilling lives. However, a range of

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<sup>1</sup> Kincaid, S. et al. (2019). Children of prisoners: Fixing a broken system. Crest Advisory.

<sup>2</sup> Kincaid, *ibid*.

<sup>3</sup> Pact (October 2023): [Number of children with a parent in prison exceeds 100,000 – Pact's analysis shows \(prisonadvice.org.uk\)](https://prisonadvice.org.uk)

research shows that, as a group, prisoners' children suffer significantly worse outcomes than almost any other group of children.

There is no statutory safety net or system for identifying children whose primary carer has been removed from their child's life to serve a prison sentence. They are serving a kind of 'hidden sentence' of their own. Indeed, some children are left living completely on their own, without an adult caring for them after their parent is sent to prison, because there is no mechanism in place to identify and support them.

Prisoners' children, if not identified and subsequently unsupported, are more likely to suffer from problems later in life including mental health problems, homelessness, and poverty.<sup>4</sup> One study suggests they are also more likely to get involved in risky behaviours and crime.<sup>5</sup> Supporting children with a parent in prison is a crucial part of breaking the cycle of intergenerational offending.

In response to the Joint Committee on Human Rights' 2019 inquiry 'The right to family life: children whose mothers are in prison', the government committed to "collate and publish this information, provided an accurate method can be found to estimate it, and provided it can be done in a way that protects the rights of vulnerable individuals".<sup>6</sup>

We agree with the government that there are necessary and important considerations surrounding the protection of data and ensuring that it is used for the purposes of supporting the welfare and safeguarding of children. As expert voluntary sector practitioners working within prisons, we are confident that the data could be collected in such a way as to fully comply with the Government's legitimate concerns. Indeed, at least one local authority already collects similar data as part of its safeguarding duties under the Education Act 2002.

**We would warmly welcome your support for the Lord Farmer's amendment.**

**We would be delighted to meet to provide any further information that might be helpful.**

### **This Briefing is supported by**

Children Heard and Seen  
Lincolnshire Action Trust  
Nepacs  
Ormiston Families  
POPS (Partners of Prisoners)  
Prison Reform Trust  
Spurgeons

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<sup>4</sup> Schuster, M. et al. (2011). The COPING project – children of prisoners, interventions and mitigations to strengthen mental health

<sup>5</sup> Murray, J. et al. (2012). Children's anti-social behaviour, mental health, drug use and education performance after parental incarceration: a systematic review and meta-analysis.

<sup>6</sup> Ministry of Justice. (2019). Government Response to the Joint Committee on Human Rights Twenty-Second Report of Session 2017-19: The right to family life: children whose mothers are in prison.