

Case study: *supporting children with a parent in prison*

Article 3 of the UNCRC requires that in all actions concerning children, the best interests of the child shall be a primary consideration. Yet too often, children with a parent in prison are not identified or recognised and their practical and emotional support needs are overlooked.

Chloe is 10, and when her mother was sentenced to prison, she went to live with her grandmother. Chloe was traumatised by witnessing the arrest. She experienced a range of emotions associated with grief: loss, sadness, loneliness, shock, anger and fear. But unlike a death, when it comes to imprisonment, there is stigma and shame; people don't reach out, ask how you are doing or offer support. Instead, Chloe experienced isolation (she stopped being invited to classmates' parties) and bullying ('Stay away from her, her mum's in prison!'). Her grandmother is struggling; she finds it difficult to manage the financial commitment of caring for Chloe, and the prison visits are costly, not to mention logistically complicated because of the distance.

Chloe has done nothing wrong, but she's being punished in a way that makes it hard to cope day to day; she doesn't want to go to school anymore and is not reaching her potential. In fact, Chloe's grandmother says it feels like they're doing the sentence too.

Chloe is just one of an estimated 27,000 children who each year experience the imprisonment of a parent in Scotland. Unfortunately, decisions to imprison a parent rarely take into account the impact on children: no one asked about Chloe's care when her mother was imprisoned, and her right to the family life she had known was taken from her without the opportunity to express her views.

The Scottish Prison Service has come a long way in recognising that children's rights must be respected. Prison visits are no longer withdrawn as a punishment – an acknowledgement that time with a parent is the right of an innocent child. There's still a long way to go before children are seen as persons in their own right, with their own rights, rather than merely an aid to the rehabilitation of a parent.

So how could things be different for Chloe? Firstly, her right to maintain personal relations and direct contact with her mother could be upheld by ensuring that prison visits are possible (which would include financial support for her grandmother) and meaningful (involving a wide variety of activities which Chloe and her mum can enjoy together). Chloe's right to benefit from the guidance of a parent means that her mother should be involved in her schooling, even from behind bars. This might mean receiving copies of Chloe's school reports and engaging with teachers on the phone or via video conferencing. And Chloe's right to know and be cared for by her mum could involve private family visits, whereby she can spend extended quality time (including overnight stays) with her mum.

Ultimately, it is about ensuring that Chloe's best interests are the primary consideration in all actions concerning her. When it comes to respecting Chloe's rights, and all the other children like her, asking them what is right is a good place to start.