



# Response to the Consultation on the proposed Support for Children (Impact of Parental Imprisonment) (Scotland) Bill for Mary Fee MSP

Submission from the Scottish Youth Parliament

## Introduction to the Scottish Youth Parliament

The Scottish Youth Parliament is the democratically elected voice of Scotland's young people. Our vision is of a stronger, more inclusive Scotland that empowers young people by truly involving them in the decision-making process.

Among the strongest youth representative structures of its type, the Scottish Youth Parliament provides young people with a democratic platform to affect change, based on a mandate from young people, by facilitating engagement with key decision makers.

The Scottish Youth Parliament affirms importance of the United Nations Convention on the Rights of the Child, with the young people of Scotland agreeing in our youth manifesto "Change the Picture" that:

*Young people are entitled to as much protection of their human rights as the law can give them. This means the United Nations Convention on the Rights of the Child (UNCRC) should be given more force in Scots law.*

As such, our response to this consultation takes a children's rights based approach.

### **Q1 - Do you support the general aims of the proposed bill?**

Yes.

The UNCRC states that no child should be discriminated against due to their situation or the situation of their parents (Article 2). However, engagement with young people tells us that the children of prisoners may often feel stigmatised, ashamed, and discriminated against due to their parent's imprisonment.

Additionally, while the UNCRC also states that children have the right to a quality education (Article 28) and an adequate standard of living (Article 27), children whose parents are in prison are likely to experience additional barriers to success at school, and may find their families fall into poverty.



Parental imprisonment has a detrimental effect on children, and their best interests must be considered in this situation (Article 3). We believe the provisions in this Bill would ensure children and their families are able to access the support they need.

## **Q2 - Would you make any changes to the proposed Support for Children (Impact of Parental Imprisonment) Bill?**

The Scottish Youth Parliament echoes calls from our colleagues at Barnardo's Scotland and Families Outside for the Bill to address the issue of remand. A Child and Family Impact Assessment should be done for every child when their parent is 'sent to custody,' rather than 'sentenced to custody,' as this will include the children whose parents are remanded to custody, as well as those sentenced to custody. Regardless of whether their parent is serving a custodial sentence or are on remand, the children will experience separation and upheaval. All children affected by imprisonment should receive the support they need.

Additionally, the Scottish Youth Parliament agrees with Barnardo's Scotland that the issue of sibling imprisonment is worth consideration. Without appropriate support, siblings of those in prison may begin to model criminal behaviours and act out in response to the separate from their brother or sister. While this may be beyond the scope of the Bill, this issue should be highlighted and attended to going forward.

## **Q3 - Do you see any potential problems (including implementation) with the proposed Child and Family Impact Assessments?**

The Scottish Youth Parliament believes that Children and Family Impact Assessments are very important, as they place focus on the support for children and families and offer due consideration for the best interests of the children involved. The assessment would ensure that the rights of children and their parent or carer are respected and protected, and that they receive the support they need.

Assessments should be tailored to the individual needs of the child, and should consider views of the child as appropriate, as stated by Article 12 of the UNCRC, which states that, "*State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age of maturity of the child.*" Assessments will allow children to express their views about what is happening, and allow them to feel included and respected.

The child and his or her needs should be at the centre of assessment process. Consideration should also be given to the needs of the parent or carer left behind, as



they may require additional support to care for the child. The Scottish Youth Parliament supports a whole family approach, as advocated by Barnardo's Scotland.

#### **Q4 - Do you think there are any alternatives to the Child and Family Impact Assessments?**

No. The Scottish Youth Parliament is supportive of the Child and Family Impact Assessment as the assessment would support children and families and consider their needs and rights primarily.

We believe that frameworks such as GIRFEC would be well placed to incorporate these assessments and enact any following recommendations. Under the Children and Young People (Scotland) Act, all children will have a Named Person, and, where deemed necessary, a Child's Plan. However, this is not an alternative to the Child and Family Impact Assessment, as we believe the needs of children in this situation will be best met by a more tailored approach. Rather, the assessment should be built into existing processes, and recommendations should be integrated into the Child's Plan and any other existing support structures involving the child and their family.

The assessment will ensure that the information being passed onto the Named Person is accurate and detailed enough for a comprehensive assessment on the needs of the child to be carried out. If this assessment does not happen, there is the possibility that the Named Person may not be informed about this, as the child may not disclose this information. If information is held, it may be appropriately shared, with consideration for the privacy of the child.

The Child and Family Impact Assessment could be by those already involved with the child and the family, facilitated through GIRFEC and the Named Person, with a focus on the long-term and short-term wellbeing of the child.

#### **Q5 - Do you think the proposed amendment to the Education (Additional Support for Learning) (Scotland) Act 2004 is sufficient to provide the necessary support for children experiencing parental imprisonment?**

The Scottish Youth Parliament believes the Education (Additional Support for Learning) (Scotland) Act 2004 is appropriate for this. This Act recognises that many children and young people will require additional support at some point during their education. The emerging needs of a child or young person must be assessed when their circumstances change. Those children whose parents are in prison will have a particularly sudden and drastic change in circumstances.



We believe children affected by imprisonment should be recognised as a particularly vulnerable group in this Act, as this will help to recognise, identify, and adequately support these children.

Children with a parent in prison may be negatively affected by the stigma associated with this, and not wish to disclose details of their family's situation. Children should not feel that they are not able to ask for help when they need it, and should not feel ashamed about their family's circumstances. By including children affected by parental imprisonment in this Act, they are given acknowledgement and assistance during a particularly vulnerable and often hidden time in their lives. This will help decrease stigma, and actualise the rights of children and young people dealing with parental imprisonment.

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