



GOVERNMENT WHIPS' OFFICE  
HOUSE OF LORDS  
LONDON SW1A 0PW

BARONESS VERE OF NORBITON  
020 7219 3778

Telephone 020-7219 3131  
[www.lordswhips.org.uk](http://www.lordswhips.org.uk)  
[holgovernmentwhips@parliament.uk](mailto:holgovernmentwhips@parliament.uk)

6 November 2018

Dear Rachel,

Thank you for generating an interesting discussion on support for the children of prisoners during the oral PQ on 30<sup>th</sup> October. I offered to write to you regarding the identification of children of prisoners as a specific cohort and what the Government is doing to ensure that these children, and their carers, receive the necessary support, particularly in relation to school admissions and financial support.

The Government remains committed to ensuring that all children get the help and support they need to live fulfilled and happy lives. We recognise that the children of offenders can be disadvantaged and we are continuing to explore ways of doing more to provide all disadvantaged children with the support they need.

Identifying children of those in custody

We know that often, when coming into contact with the criminal justice system, many women choose not to disclose that they have dependent children. This can create barriers to accurate data capture and providing targeted support. We want women to feel safe enough to disclose and we are taking steps to encourage this. Women are encouraged to disclose at the pre-sentence report stage and also when received into custody. Our priority is to keep families together where appropriate, therefore disclosing dependents does not automatically mean that offenders will lose their children. A disclosure at the pre-sentence report stage means that sentencers will be better able to weigh up all the relevant factors in making a decision about the case.

Alongside this, in safeguarding and promoting the welfare of children, statutory guidance *Working Together to Safeguard Children* (2018) is explicit that probation services should ask an offender at the earliest opportunity whether they live with, have caring responsibilities for, or are in regular contact with children. Where an offender does choose to disclose, data is collected, although this data does not provide detailed information of the child's age or whether they are dependents.

It is important to say, however, that the individual circumstances and needs of every child with a parent in custody can be very different. The support needed by a child who stays living with their other parent and has had little contact with the parent in prison will be different to a child who goes to live with another family member or friends, as will the needs of a child who is taken into care following their parent being taken into custody. Rather than categorising all children of prisoners on the common characteristic of having a parent in prison and targeting support on this basis, we believe that the right approach is to assess the needs of each child as an individual; the Government remains committed to ensuring that these needs are met.

### Caring arrangements and support

We recognise the importance of family members taking care of children who cannot live with their parents, including those whose primary carer is serving a prison sentence. Family and friend's carers in informal arrangements are treated equally with birth parents within the benefits system in relation to child benefit, child tax credits and other means tested benefits. The child element of Universal Credit is paid to whoever is the 'main carer' for the child.

In the case of a private fostering arrangement being made where a parent is in prison, the local authority must visit the private fostering arrangements within 7 days of being notified of the arrangement, determining the suitability of the arrangement, and providing advice and support where necessary including through follow-up visits. Private foster carers can also claim child benefit and child tax credit if not being paid to the parent.

In both cases, whether care is provided through informal or private fostering arrangements, the carer and child may receive services and support from local authority children's social care if the child is assessed as being in need under section 17 of the Children Act 1989. This applies equally to children whose parent is in custody, as for any other child in need.

### School admissions and support

School admission arrangements are set and applied locally. Provided they are lawful and comply with the School Admissions Code, it is for the school's admission authority to decide what admissions criteria to set. The Code requires that priority be given to specific groups of vulnerable children – those with a Statement of Special Educational Needs or an Education, Health and Care Plan naming the school; as well as looked after children or children who have left care through adoption, special guardianship or child arrangements orders. Some children will be in these arrangements with family and friend's carers. Beyond that, admission authorities are free to set their arrangements as they see fit, as long as they are clear, objective and fair. For example, admission authorities may choose to give priority to children who have a particular social or medical need to attend their school. These optional provisions may be relevant to children who are being cared for by kinship care or private fostering arrangements due to parental imprisonment.

In terms of more general support through schools, the revised *Keeping Children Safe in Education* guidance which commenced in September 2018 reflects the importance of staff considering the additional needs of children with a parent in prison. The guidance now highlights the fact that these children are at risk of poor outcomes including poverty, stigma, isolation and poor mental health and signposts staff to the National Information Centre on Children of Offenders website, which provides specialist advice and resources to support professionals working with offenders and their children, to help mitigate negative consequences for those children.

### Female Offender Strategy

As you are aware, on 27 June we published our strategy for female offenders, which sets out our vision and plan to improve outcomes for women and shifts our focus from custody to the community.

In our strategy, we recognise the impact on families and children when a woman is involved in the criminal justice system. Children of imprisoned mothers can be particularly affected by a custodial sentence and are also at increased risk of becoming offenders themselves in the future. That is why we have commissioned Lord Farmer to continue his work on the importance of family ties in improving outcomes for offenders, by looking at the particular issues for female offenders in the community and custody. Lord Farmer is due to report by the end of the year.

We appreciate the hard work that you do to support female offenders and their families, particularly through your work with organisations such as The Nelson Trust. I hope that you continue to be engaged in supporting our aims for improving outcomes for female offenders and their children, as we deliver our Female Offender Strategy.

I hope that is a helpful answer to your question – please let me know if there is anything further I can provide.

A copy of this letter will be placed in the Library and sent to all Peers who spoke in the debate.

Yours,

Charlotte

**BARONESS VERE OF NORBITON**