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Humza Yousaf MSP
Cabinet Secretary for Justice
The Scottish Government

Sent via e-mail

24 March 2021

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Dear Cabinet Secretary,

Open letter on the impact of the lockdown restrictions on children with imprisoned parents

Yesterday marked a full year since the UK entered the first lockdown to prevent the spread of COVID 19 and save lives. Those restrictions have affected every part of life in Scotland. They have severely restricted the opportunities that children with a parent in prison have to maintain contact with their parent and have presented significant challenges to those children's wellbeing.

Last week, Dr Shona Minson from the University of Oxford published the first and only specific [piece of research](#) in the UK on the impact of the measures to prevent the spread of COVID-19 within the prison estate on children and young people with a parent in prison. It found that thousands of children across the UK have not seen their parent in prison since the first lockdown was introduced. Video calls have been welcome, but these have been limited and in some cases problematic for children. This loss of contact has negatively impacted children's relationships with their imprisoned parents and their mental and physical health and wellbeing. Children may not understand why contact has stopped and may blame themselves. The effects of this loss of contact and disruption to family relationships are likely to be long-term and will affect family reunification and resettlement after imprisonment.

It is therefore vital that appropriate support is put in place to help rebuild family relationships between people in prison and their families. Families Outside enthusiastically supports the steps the Scottish Government and the Scottish Prison Service have taken to introduce virtual visits and in-cell telephones. We are in contact with the Scottish Prison Service regarding ways in which these methods of contact could be improved, but there is no doubt that telephones and virtual visits have been a lifeline for families with loved ones in prison during what has been an incredibly difficult year.

The research findings make a number of recommendations which Families Outside would encourage the Scottish Government to consider now in the Scottish context.

The Government should provide a clear roadmap for the justice system and for the re-establishment of prison visits, and the lifting of restrictions within prisons at the same time as announcements are made about the rest of the community.

The First Minister's COVID-19 Statement to the Scottish Parliament on Tuesday 16th March set out an indicative timetable for the easing of COVID-19 restrictions. This timetable was positive and gave a clear indication that greater normality will be experienced across society over the coming months. It is frustrating and confusing for families when there are significant delays between announcements from the First Minister on community restrictions easing and clear communication from the Scottish Prison Service regarding what this means for the prison estate and family contact arrangements. Throughout the pandemic, the Scottish Government's announcements regarding lockdown restrictions have included specific arrangements for children and young people, which respect children's rights and reflect the lower risk of serious illness from COVID-19 among young children. Families Outside would like to see arrangements for prisons and family contact reflected within the Scottish Government's Strategic Framework and for this to address, as appropriate, specific arrangements for children with family members in prison.

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Lockdown restrictions have also had a significant impact on the justice system, with long delays between arrest, court proceedings, and sentencing. One in four people in prison in Scotland are now held on remand, and there have been long delays for those awaiting trial. As a result, families are anxious and unable to plan for the future. At worst, children are separated from parents held in prison who will either not be convicted at all, or who will not receive a custodial sentence. Families Outside would like to see a clear roadmap for the Justice System reflected in the Scottish Government's Strategic Framework. While the continuing public health emergency means that there are likely to be significant delays to court proceedings for some time yet, parents with dependent children should not be remanded in custody unless this is absolutely necessary for compelling reasons of public safety.

In many cases, Home Leave has been cancelled, denying children the opportunity to reconnect with their parents in advance of release. In other cases, people in prison are unable to access the courses they need to progress through their sentences, delaying their release from prison. Families Outside would like to see specific initiatives to support people in prison to reconnect with their loved ones and children as they work towards release. We would also ask that the Scottish Government give proper consideration as to whether people in prison who are parents can be released early from prison to serve the remainder of their sentence on licence and to consider the support that children will need when they are reunited with their parents following lengthy separation.

Restricted prison regimes are detrimental to people in prison and their families, both in the short-term and as they move towards release and reintegration as a family. Prison regimes should work to be as open as possible for the specific benefit and wellbeing of people in prison and their children.

Since the 23rd March 2020, our Helpline has answered hundreds of phone calls from families with specific concerns for their loved ones in prison, including a 51 per cent increase in calls from family members worried about a prisoner's mental health. Family members are concerned about the length of time their loved ones are spending locked in their cells each day and a lack of access to support from healthcare services due to ongoing lockdown restrictions.

In June 2019, in your statement to Parliament in response to the independent review of mental health support for young people in custody, you said "the Scottish Prison Service have confirmed that they will develop a new health and wellbeing strategy. This will include a bespoke mental health strategy for young people." 21 months later, I am not aware of any such strategy having been published, nor does the SPS regularly publish data on suicides, self-harm, or other mental health indicators. It is entirely understandable that the necessary work within SPS to progress this strategy has been delayed by the public health emergency posed by the COVID-19 pandemic. However, given the widespread concern about the impact of the pandemic on mental health across society and the known links between restricted regimes and social isolation and poor mental health among people in prison, the need for such a strategy has never been more urgent.

Prisons should communicate directly with families about the situation within the prison and options for contact with people in prison.

Throughout the pandemic, Families Outside has worked closely with the Scottish Prison Service to provide up-to-date information for families regarding what the COVID-19 restrictions mean for prisons and family contact. This will be particularly important over the coming weeks and months as restrictions start to ease, and we look forward to continuing to work in partnership as soon as up-to-date information can be made available.

I look forward to your response.

Yours sincerely,



Professor Nancy Loucks OBE
Chief Executive

A copy of this letter has been made publicly available on the Families Outside website and copied to:
Theresa Medhurst, Scottish Prison Service
Lisa Taylor, Scottish Government
Wendy Sinclair-Gieben, HMCIPS
Representatives of the press