

30 May 2019

Mr David Brown  
Chief Executive  
Department for Correctional Services  
GPO Box 1747  
Adelaide SA 5001

cc: Ms Jo McFarland  
A/Principal Advisor Women Offenders  
Offender Development Directorate  
Via email: DCSWomenOffenderFramework@sa.gov.au

**Dear Mr David Brown,**

**Women Offender Framework and Action Plan 2019-2024 Feedback**

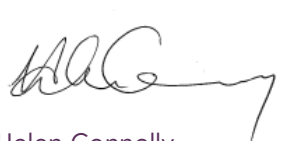
As South Australia's Commissioner for Children and Young People, under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* (the Act) I am mandated to promote and protect the rights, interests and wellbeing of all South Australian children and young people (birth to 18 years). It is also my role to ensure that the government satisfies its obligations under the United Nations Convention on the Rights of the Child (UNCRC). This extends to the State at all levels of government. Under the Act each State authority must, in carrying out its functions or exercising its powers, protect, respect and seek to give effect to the rights set out in the UNCRC.

Since commencing in this role I have spoken with children and young people on a wide range of issues that are important to them. Some of these conversations have included children and young people with an incarcerated parent or carer, however more recently this cohort has been at the centre of targeted consultations.

These consultations have provided some early insights into some important themes and issues that children and young people experience, as well as some tangible improvements that could be made to improve outcomes and ensure that their rights are promoted and protected. Children have said that they feel like the 'criminals' when they visit, yet at the end of the day they are also victims of actions which were not their own.

It is on the basis of my engagement with this cohort and a contemporary perspective on their rights and best practice that I provide the following feedback.

Yours Sincerely,



Helen Connolly  
Commissioner for Children and young people

Under the UNCRC children and young people have a right to know their parents (Article 7) and a right to family ties (Article 8).

### Meaningful visits for young people

Visits should be structured in a way that allows space for children and young people to maintain and develop attachment with their incarcerated mother. I have been told that currently visits can feel artificial and pressured. The structure of visits does not facilitate meaningful conversations and this can inhibit the ability for both the parent and child to get to know each other properly. This can make visits needlessly awkward and does not allow the space for any relationship to be formed making it difficult for them to work through the relationship and any feelings that they have. For children and young people who have relational issues this can be especially important as a part of dealing with their trauma.

*“Need more time, for meaningful interactions, important for young people, not just about relationship with mum. Can’t open up with someone standing next to me the whole time.”*

The young people I have spoken with expressed that visits could be made more meaningful by allowing for normal things to occur during the visit such as watching a movie, playing a board game or having access to food. These normal interactions can help to achieve a variety of outcomes and reduce the pressure and discomfort the child experiences.<sup>1</sup> They recognised that this might not be possible every time but allowing for it to occur sometimes, particularly if a longer visit is arranged on a rotating schedule, would still be important to them.

*“Food/being able to make & cook food. Longer visits. Being able to go to the toilet during visit. Activities/board games.”*

### Improving meeting spaces

I commend the planned future improvement to the visitor centre making the space more family friendly. Per Article 12 of the UNCRC this should involve consulting with the children and young people who have or currently visit parents as they have a right to have a say in decisions that affect their lives.

*“There needs to be a toilet in visits area.”*

So far logistical improvements such as bathroom facilities has been brought to my attention. For younger children in particular who need use of the bathroom more often, having to leave

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<sup>1</sup> See: Gordon, D. M., Hunter, B. A., & Campbell, C. A. (2018). Children of incarcerated parents: Promising intervention programs and future recommendations. In C. Wildeman, A. R. Haskins, & J. Poehlmann-Tynan (Eds.), APA Bronfenbrenner series on the ecology of human development. When parents are incarcerated: Interdisciplinary research and interventions to support children (pp. 133-150). Washington, DC, US: American Psychological Association.

the visitor centre and re-enter again with their guardian can take precious time and place an unfair burden on them and their guardian given the limited duration of visits.

Children and young people should also be consulted on future developments so that the meeting spaces are welcoming for them. This should include consideration of other possibilities such as short stay facilities so that a child has sufficient space to develop a relationship and attachment with their mother.

Under the UNCRC children and young people have a right to receive and share information (Article 13) and to have their opinions taken into account (Article 12).

### Demystifying Prisons for young people

*“Need to be able to do motherly daughter stuff, cook together, go to visit her work, her house, see where she lives.”*

Children and young people with a mother or carer in prison expressed clearly that knowing more about their mother’s daily life is important. Just like children outside of prison they want to know where their mum sleeps, where she works and where she eats. These things are important to show that the things they might see on TV and imagine in their mind aren’t exactly how it is in reality. Often this imagination can make things worse for them and reinforces the taboo around parental imprisonment. An opportunity to see these spaces in person, particularly where a mother has a longer sentence is important. Access to age appropriate information on the processes involved in prison is also imperative to build the child’s understanding of their parent’s experience.

### Empowering children and young people

Improvements to the DCS web page for children and young people are a welcome development, however the views of children and young people need to be considered in a consultation. Consulting with children and young people on this should consider what information they want to know and the best method for accessing this information as well as feedback on the current site. The consultation should also consider that having information on the website might not be their preferred method of access and other supporting materials that direct young people to the web page may need to be developed.

*“Counsellor: needs to be a neutral person, not a child protection social worker reporting back.”*

Information on the web page and in other resources should include where and how to get help and support. Particularly accessing specialist counsellors, who know how to respond to parental incarceration and will not compound the situation of the young person in their response.

The future plans discussed in the 2019-2024 action plan should also seek to embed the voices and rights of young people with their interactions with DCS. The department should pursue multiple strategies to ensure that this occurs both in practice and decision making.

Including a prisoner that is a mother or carer and child representative to act as an advisor to the stronger together interdepartmental group could be one way to ensure that the voices of young people and their interests are heard in key decision making. In pursuing this model the department could partner with an external agency to develop the skills of the young person acting as the advisor. In regards to practice there is an example of how children's rights can be embedded in Denmark. A trial project in 2011 involved the use of a Children's Officer to ensure the rights of the young person and child centred and friendly approach was considered and put in practice. Such was the success of this trial that it lead to a roll out of Children's Officers throughout the Danish prison system.<sup>2</sup>

Under the UNCRC Governments should help parents and legal guardians in the performance of their responsibilities (Article 18).

### **Support and assistance for prisoners**

Women who are parents or carers should have access to parenting support services and programs that continue after release. Due to the significant number of women that are mothers, imprisonment is a prime opportunity to upskill them and break cycles of disadvantage.<sup>3</sup> These programs should continue after release to ensure that their parenting skills are there when they are actually out parenting their child.

Any parenting course should also aim to cover child development knowledge which can be missed due to the mother's separation from the child's daily life. This includes explaining what child and age appropriate language looks like and the things that they need to know to help them to understand what their child is going through.

The trauma associated with whatever circumstance have led to the mother's imprisonment should also be addressed through easy access to psychological assistance both during and after incarceration. This is important to ensure that the separation of mother and child, even without signs of distress, does not cause long term psychological impact on the mother and her ability to fulfil that role in the future.

### **Easing the pressures on release**

DCS intersections identify the importance of wrap around support services when women are released, the extent of these support services should be identified and whether or not this includes housing support. When mothers and carers are released they can be returning to domestic violence or other circumstances with their children which may have contributed to offending. Ensuring that appropriate support services are established, and supporting information is not only accessible but known prior to release is crucial. This is important not only for ensuring the safety of the prisoner on release but also that of any children that may

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<sup>2</sup> Smith, P, 'Children of Imprisoned Parents in Scandinavia: Their Problems, Treatment and the Role of Scandinavian Penal Culture, *Law Context: A Socio-Legal J.* 32:147, 2015.

<sup>3</sup> Above n 1.

come back into their care. A pre-release perspective involving multiple agencies such as MAPS and housing should form part of any strategies.

Similarly parole can lead to a burden being placed on children to take on the responsibility of housing or supporting for their mother. This can limit the opportunities available to the young person and depending on the extent of continued support, can involve additional pressures such as relapses of drug and alcohol dependencies of the incarcerated parent on release.

### Data collection

Future planning to improve data systems needs to also ensure that a clear record on the children of incarcerated parents is maintained and available in line with the recommendations of the Committee on the Rights of the Child.<sup>4</sup> The data provided in the action plan background shows very significant estimates on the numbers of children with an incarcerated mother. This and future collections should be made available and shared with other agencies and research bodies to track and identify any risks or opportunities for early intervention and support. Proper data collection is particularly important as the increase in number of women entering custody will naturally lead to more children with an incarcerated mother.

Tracking of the data is also important to ensure that the causes for increases are adequately identified such as the extent of cyclical imprisonment and other emerging patterns. Data should also look at prisoner backgrounds such as whether the young women entering prison had an imprisoned parent or mother, were in care themselves and other contributing factors.

Under the UNCRC all organisations concerned with children should work towards what is best for each child. (Article 3).

### Staff Training

*“Some younger guards are rude, trying to prove themselves to older ones.”*

Improvements for visitors, particularly children and young people, should not only focus on facilities but also staff development. This is supported by international research which highlights that staff interactions can have just as significant impact on how safe children and young people feel.<sup>5</sup> Children have expressed that they often feel like they are the ones that are being punished when they visit, both as a consequence of the environment and staff conduct.

Staff development should consequently focus on child safe practices, with regular training in child safe environments. This should be a part of a strategy to improve the service that children and young people receive while creating a welcoming child safe environment with

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<sup>4</sup> Committee on the Rights of the Child, Report and Recommendations of the Day of General Discussion on ‘Children of incarcerated Parents’, Committee on the Rights of the Child, 30 September 2011.

<sup>5</sup> Knudsen, E. ‘The Experiences of Canadian Children of Prisoners’, London School of Economics and Political Science, Department of Social Policy, July 2016.

dignity and respect at its centre. Staff should additionally be supported to understand their obligations and department policies and procedures required to meet compliance with a child safe environment under the *Children and Young People (Safety) Act 2017*.

There should also be additional staff training so that they are culturally and trauma aware with refresher courses on at least an annual basis. Employment should not commence unless satisfactory standards in these areas and child safe environments have been met and staff are able to work with children. Training should be refreshed annually or half yearly given the importance of sensitivities when working with children and visitors. The learnings from these trainings, such as the cultural awareness, should also be considered in the delivery of programs concerning children and young people – such as parenting courses which may need a particular lens applied.