**SUPPORT FOR CHILDREN (IMPACT OF PARENTAL IMPRISONMENT) CONSULTATION RESPONSE**

***Q1. Do you support the general aims of the proposed bill? Please indicate yes/no/undecided and explain the reasons for your response.***

Yes. Howard League Scotland (HLS) supports the general aims of the proposed bill. HLS recognises that the imprisonment of any family member can have a significant adverse impact upon the children and young people affected. This is amplified when it is a parent who is imprisoned, particularly if that parent has caring responsibilities towards the children or young people in the family.

In civil cases that relate to children the court considers that the welfare of the child is of paramount importance. The court has a duty to seek the views of children in matters which relate to parental responsibilities. It is illogical for the court not to take the same approach when exercising its criminal function.

***Q2. Would you make any changes to the proposed Support for Children (Impact of Parental Imprisonment) Bill and if so, why?***

The Child and Family Impact Assessments should be available in relation to any decision to remand a parent in custody, because remand can have the same damaging effects upon the wellbeing of children and young people affected as the sentence itself. Therefore, Child and Family Impact Assessments should be available at any point in the proceedings where there is a risk of imprisonment, not just after sentencing.

***Q3. Do you see any potential problems (including implementation) with the proposed Child and Family Impact Assessments? And who do you think is best placed to deliver them?***

The Bill would need to specify who would have oversight of the production of the Assessment to ensure it is timeously carried out. If the Assessment is carried out after sentencing, how would current court procedures be amended to accommodate further procedure after the disposal of the case? Existing services, such as social work or the named person service, could be suitable to deliver the Assessments, and to co-ordinate the support needs identified. However, additional funding would have to be provided to ensure that services could cope with the additional work this would entail.

***Q5. Do you think there are any alternatives to Child and Family Impact Assessments?***

HLS believes that imprisonment should be the punishment of last resort. If the courts were willing to reduce the use of remand and to make greater use of community sentences, such as Community Payback Orders and/or electronic monitoring, this would help to limit the numbers of children and young people who are affected by parental imprisonment.

***Q6. 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? If not, please explain why.***

HLS agrees that the proposed amendment to the 2004 Act appears sufficient to provide the necessary support for children and young people experiencing family imprisonment.

***Q7. What are the likely financial implications of the proposed Bill? If possible please provide evidence to support your view. What (if any) other significant financial implications are likely to arise?***

HLS is not able to comment on the likely financial implications of the proposed Bill.

***Q8. Is the proposed Bill likely to have any substantial implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?***

HLS is aware that imprisonment disproportionately affects families that are economically disadvantaged. Parental imprisonment only adds to the disadvantage already experienced by the children from those families. If this Bill achieves its aim to provide necessary support to the children and young people within families affected by imprisonment, it will afford an opportunity to minimise this aspect of inequality.

Howard League Scotland

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