

# In Brief...

## Staying Connected: Care-experienced children and young people with a sibling in prison or secure care

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### Key points

- Siblings who have been separated as a result of the 'care system' or custody have a legal right to be supported by their local authority to maintain their relationship.
- The emotional impact of sibling separation was significant.
- Families do not just want support to maintain relationships but also to rebuild them.
- The main barriers to maintaining contact are the physical distance and costs to travel between 'home', care placements, and custody. Support to attend visits, bonding visits, and video calls helped. Staff need adequate resources to promote these processes.
- Not everyone in care is aware they qualify as 'care experienced', and young people need to be informed of their rights. They also need to be made aware of what they can do if their rights are not respected.
- Currently, data on this issue are not collected, so the extent is not known.
- Inter-prison visits between siblings currently only happen in "exceptional circumstances".
- The main recommendations are that key agencies need to work collectively to **IDENTIFY** care experienced young people who are separated;  
**INFORM** them of their rights to a relationship;  
**INQUIRE** if they want to see each other or keep in touch;  
**INPUT** their choice into the young person's care plan; and  
**IMPLEMENT** their decision.

### Context and background information on the research

The Promise states that "*Relationships between brothers and sisters will be cherished and protected*", and legislation in 2021 placed duties on local authorities to maintain relationships between siblings unable to stay together. Sibling separation through children being in care or in custody is often overlooked. This research set out to address this gap and to hear from young people affected directly. 200 Children's Hearings case files were analysed, and qualitative interviews were conducted with 12 children and young people, 4 Social Workers, and 5 Children's Reporters. The main limitation of the research is that these are small numbers and therefore not representative of all young people affected by these issues, but they do give important insights. This *In Brief* also takes account of the feedback from a consultation event with key stakeholders.

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# Key findings

## The emotional impact of sibling separation

The emotional impact of sibling separation was significant. The young people described it as being ‘devastating’ and ‘soul destroying.’

*“But, when they separate families like that is, I don’t know how to explain it. I don’t know how to explain it man it’s like having a heart and then all the wee bits of hearts are your family and then they just, right he’s going that way, he’s going that way, your heart’s just dismantling.”*

Visiting a brother or sister in prison could be easier than when siblings were in different care placements. This echoes findings from The Promise, whereby the shortage of foster parents makes family separation more likely. Rebuilding a relationship was more difficult where someone was in secure care or prison compared to maintaining an existing relationship or rebuilding a relationship within the community.

For people who had been deprived of their liberty, saying goodbye at the end of visits, or hearing about life outside on telephone calls and then having to return alone to their room or cell, was really difficult. For the sibling outside, the impact of their sibling’s behaviour sometimes meant they felt a need to protect and prioritise themselves and their own needs and therefore made the decision to end contact. Where families were split, this hurt, and they recognised that these relationships could be affected long-term, and possibly forever.

*“I don’t think you can (build a relationship) because we’re all at different ages, now. So, they’ll be wanting to go out and make pals, like at the age of 16, 17, noo 15, 16, 17, they don’t want to spend time with me.... They’re wanting to go out and make pals and go and have drinks, a bevvie or whatever they’re doing, smoke their fags or that....”*

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### Barriers to maintaining relationships identified included the following:

- The physical distance of the prison and secure accommodation from family, and the costs involved, made visits difficult. These findings are also echoed in the Care Inspectorate’s (2023) review of secure care.
- Families are often already struggling and living in poverty.
- Parents acting as gatekeepers meant siblings had no control over decisions to maintain contact with their siblings.
- Visits both in prison and secure care centres can be supervised so are not private, so people were not able to be ‘natural’, impacting on their experience. Bonding visits in prison were welcomed, and young people wanted them to be open to all, not just for those visiting parents. Video calls were also important, but digital inequality is an issue.
- Phone contact can be restricted in prison because of the costs, and in secure care it can be because other young people are accessing the phone. At present, inter-prison visits between young people only happen in exceptional circumstances. Support for visits to secure care are accessed through social work, and resource implications impact on this.
- Families are complex, and children and young people often had difficult relationships with parents and complicated lives with siblings.

*“Everybody knows your best bonding moments with the family cannae exactly be done when you are sitting in a visiting room with 16 other prisoners, and 5 officers. You cannae really talk about anything, it’s not that you cannae it’s just that you don’t want to because it doesn’t feel private, doesn’t feel safe to be honest.”*

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### Enablers to maintaining relationships identified included the following:

- Support for both siblings by someone independent from social workers and prison officers was important.
- Social workers play a key role in supporting and facilitating sibling relationships. Staff need adequate information

and resources to promote these processes.

- In prison, bonding visits were appreciated, and young people felt they should be open to all and not restricted only to those visiting parents.
- Video calls to prison offered opportunities for people to be part of their family in more natural ways, such as watching TV together. Inequality of digital access impacts on people's ability to access these.

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### **The specific challenges of maintaining relationships when one young person is in prison and a sibling is also in prison or in secure care**

Five of the young men in prison also had a sibling in prison – an issue generally overlooked in research, policy, and practice. The current policy is that inter-prison visits only take place in 'exceptional circumstances' and therefore does not take account of the changes in legislation for young people. These relationships can be supportive and promote resettlement. Some examples of good practice were reported, with prison officers facilitating contact between siblings in different halls as well as between different prisons.

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### **The lack of data**

Of the 200 case files reviewed, only 9 files (4.5%) had recorded a sibling in custody, and 8 had lived together at some point. These 9 cases affected 59 children and young people, as they came from large families. This figure is likely to be an underestimate, as the recording of such data was identified as a significant gap across local authorities and agencies.

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### **The positive impact of The Promise, but also inconsistent application**

Around 170 young people aged 16-20 are in prison and 78 places are in secure care. The numbers therefore are small. The Promise and sibling legislation have meant that more conversations are taking place between children, their Social Workers, and in Children's Hearings around their sibling relationships. However, a lack of consistency about the information provided still exists, with the submission of Sibling Contact Forms and Participation Individual assessments not consistently taking place.

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### **The focus of support needs to be on re-building as well as maintaining relationships**

For almost all interviewees, the period of separation through different care placements was significant, with minimal contact between siblings. Relationships needed to be rebuilt rather than simply maintained. The state has a responsibility to understand and support both.

## **Conclusions and recommendations**

The increased focus on the importance of sibling relationships for care-experienced children and young people is welcomed. The lack of data, however, means we are currently unable to monitor and evidence whether their needs are met or the changes introduced by the legislation and keeping 'The Promise' are being met. Not everyone understands what being care-experienced means, therefore they do not know the rights that come with this.

While relatively small numbers of children and young people are held within secure care and prison in Scotland, these can be some of the most vulnerable within our society. The separation of siblings, where one is in prison or secure care, is significant in its emotional impact on children and young people, regardless of whether they choose to keep in contact with their sibling, and this trauma could have long-lasting effects. This specific experience is still not sufficiently recognised or understood. This project begins to address some of the gaps in this knowledge, but more needs to be done to understand these experiences fully. The consultation event flagged that raising awareness of this issue in itself is much needed

We must also work to reduce the criminalisation of children in care, as recommended in 'The Promise', to reduce the disproportionate levels of those with care experience in prisons and to reduce the prison population in Scotland overall. Where separation does occur, whether through prison or secure care, children's rights in terms of their sibling relationships must be upheld. We must also remember those already impacted, recognising the need and obligation to support the rebuilding as well as the maintaining of relationships.

## Key recommendations

- This research goes some way to raising awareness of this issue. Agencies must recognise the role they play and the opportunities they can give young people to support them to maintain and rebuild relationships, and that these processes are adequately resourced.
- Local authorities, organisations within the Children's Hearings System, residential and foster care providers, secure care providers, and prisons need to work collectively and communicate effectively, taking five key steps to:
  - **IDENTIFY** which care-experienced children and young people have a sibling in prison or secure care, and ensure that this information is recorded and shared with appropriate agencies;
  - **INFORM** all children and young people about their rights to have a relationship with their sibling(s);
  - **INQUIRE** whether the young person wants to see or keep in touch with their siblings;
  - **INPUT** the young person's choice about whether they want to see or keep in touch with their sibling(s) into their care plans and all discussions relating to these;
  - Where the young person wants to see or keep in touch with their sibling(s), work collectively to identify ways to **IMPLEMENT** their decision.
- Views around contact should not be viewed as a one-off decision, as individuals may change their minds about contact as their circumstances change. Therefore, agencies must regularly and repeatedly **INFORM** children and young people about their rights and **INQUIRE AGAIN** about whether they wish to see and keep in touch with their sibling(s).
- Visits need to be accessible and family-friendly, and families should have a key contact for support. Agencies should be clear about the minimum level of contact and the form it can take.
- Families must be informed of and supported to access financial help to visit young people in care and custody.
- Ensure children and young people have good access to telephone calls in care / custody.
- Prioritise community-based measures for children to be held closer to their homes and families.

## References

Care Inspectorate (2023) *Secure Pathway Review*. Dundee: Care Inspectorate. Available at: [https://www.careinspectorate.com/images/documents/Secure\\_care\\_pathway\\_review\\_2023.pdf](https://www.careinspectorate.com/images/documents/Secure_care_pathway_review_2023.pdf)

**Families Outside is the only national charity that works solely to support the families of people affected by imprisonment in Scotland. Our purpose is to improve outcomes for children and families affected by imprisonment, creating and promoting opportunities for families to uphold and defend their rights.**

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