

Trans Gender Woman Prisoner- Succeeds in Judicial Review

KXJ, a trans woman prisoner, has succeeded in a judicial review against the prison service arguing that the process to decide her treatment and allocation in prison was unfair. KXJ challenged in the Administrative Court the refusal of the prison service to provide her with advance disclosure of information relied upon in the decision making process to determine her allocation in a male or female prison. She argued this breached her rights under Article 8 ECHR and the common law. After bringing court proceedings advanced disclosure was provided and the claim was settled by the prison service. Jane Ryan of Bhatt Murphy acted for KXJ with Michelle Brewer of Garden Court Chambers.

Let's Stop Spies and Subcontractors From Hiding Behind the Law

Phil Miller, Guardian: As an investigative journalist who has used the Freedom of Information Act to expose the questionable conduct of numerous government departments, I welcome the news that parliament will consider extending the law. The proposed changes would mean that private companies such as Serco and G4S, as well as housing associations, would have to disclose documents about their vast and lucrative public service contracts.

After countless outsourcing scandals, from the collapse of Carillion to the preventable tragedy at Grenfell Tower, I am sure that many would applaud MPs if they strengthened the FoI. The law is riddled with loopholes, allowing important facts to stay hidden.

While investigating how the Home Office lets private security companies run most of Britain's immigration detention centres, I repeatedly ran into brick walls. For example, firms such as G4S are obliged to provide monthly "self-audit reports" to the Home Office, detailing what has gone wrong inside the detention centres they are contracted to operate. Any "performance failures" – from a delay in detainees getting seen by a doctor, to fires and escapes, right up to deaths in custody – can incur a financial penalty for the contractor.

The Home Office refused my FoI request to hand over large parts of these crucial reports and censored data on the number of failures because it would "prejudice the commercial interests" of major corporations such as Serco. They said this outweighed the public interest in holding powerful companies accountable. This decision was upheld by a judge – it is the law. Therefore, the proposed changes to that law would open a window into this world of outsourcing, revealing how public money is really spent.

But should parliament go further? Although many of the state's traditional duties were farmed out to corporations during decades of Thatcherism, New Labour and austerity, the machinery of government has not been hollowed out completely. Throughout the "war on terror", more money and power was awarded to the so-called "deep state" institutions – Britain's intelligence agencies and the special forces. None – MI5, MI6, GCHQ or the SAS – are subject to the FoI – section 23 exempts documents that even remotely "relates" to them. Leaving aside, for a second, their involvement in secret wars or assassinations, we are not even permitted to have access to their spending on first-class travel or five-star hotels.

It is time for more transparency, without, of course, endangering sources or active missions.

We cannot continue to pretend that these state bodies are infallible or immune from being misused by their political masters. We knew little about GCHQ's snooping programme until whistleblower Edward Snowden sacrificed his career to tell us. We may never have known that MI6 helped render a pregnant woman to Muammar Gaddafi's dungeons. That only came to light after the dictator fell and incriminating MI6 faxes were found fluttering amid the ruins of Libya's spy HQ.

It doesn't have to be this way. We shouldn't have to wait for an uprising in north Africa, or a rogue Rubik's Cube, before we find out what is being done, to who and how, in our name. In the US, the CIA is subject to that country's freedom of information laws. The agency can still refuse to hand over documents if it will harm national security, but they have to prove it in court. If our closest ally can open up its intelligence agency to this kind of scrutiny, why can't the UK?

This is not just an academic problem. This week, a British judge reached a decision in one of my FoI cases. I had asked the Cabinet Office for several files that could shed more light on British involvement in the Golden Temple massacre at Amritsar in 1984 – when the Indian army killed hundreds of Sikh pilgrims. I wanted to see the files after discovering, through an accidental leak, that Margaret Thatcher sent an SAS officer to advise the Indian army before its disastrous attack on the temple. There were also rumours of MI5 involvement that the government wasn't ruling out.

After almost four years of legal wrangling, the judge dismissed two of the government's key arguments, namely that disclosing the files would harm national security or risk trade with India. He also acknowledged that the public interest in this case was "very high". In the end, though, his hands were tied by the section 23 loophole. The government was not required to hand over the most important file – because it may contain information from the intelligence agencies or special forces.

Many British Sikhs, and indeed the Labour party, are now calling for a public inquiry into British involvement in the Golden Temple massacre. As it stands, only a public inquiry would have the power to disclose enough information on the role played by our intelligence agencies and special forces at Amritsar – but public inquiries can cost millions. It would be far cheaper to reform the FoI, and finally bring these powerful British institutions out of the shadows.

US Judge Rejects Government's Motion To Dismiss Case Brought By Man On Its 'kill List'

Scottish Legal News: A federal judge has rejected the US government's motion to dismiss a case brought by a US citizen challenging his inclusion on a "kill list". Bilal Abdul Kareem, who believes he has been targeted for assassination by his own government, has won the right to challenge his presumed inclusion on the kill list in court. "Due process is not merely an old and dusty procedural obligation," wrote federal judge Rosemary Collyer, in her ruling partially denying the Government's motion to dismiss the case. "Instead, it is a living, breathing concept that protects US persons from over-reaching government action even, perhaps, on an occasion of war."

Mr Kareem is a American journalist who has been reporting on the conflict from Syria since it began. In 2016, he narrowly escaped being killed on five separate occasions, including two strikes on cars he was travelling in and a further two strikes on the headquarters of his news agency, On The Ground News, while he was present. He believes the US government has mistakenly identified him as a terrorist, for interviewing rebel fighters and other groups in Syria, a vital part of his journalistic work.

Under the Presidential Policy Guidance, issued in 2013 under Barack Obama, only people who pose a "continuing, imminent threat to U.S. persons" may be targeted outside conventional war zones. "Mr. Kareem does not seek a ruling that a strike by the U.S. military was mistaken or improper. He seeks his birthright instead: a timely assertion of his due process rights under the Constitution to be heard before he might be included on the Kill List and his First Amendment rights to free

speech before he might be targeted for lethal action due to his profession,” wrote Judge Collyer.

Jennifer Gibson, who leads human rights groups Reprieve’s assassinations project, said: “Today was a huge win, not just for Bilal Abdul Kareem, but for all those who believe we must protect that most cherished of American values - due process. “For too long, the US government has sentenced people to death in secret, including American citizens, denying them their constitutionally-guaranteed right to walk through the courthouse doors and defend themselves. Today’s ruling reminds everyone that we cannot just ignore the Constitution in the name of national security.”

'Harsh' Criminal Record Checks Hinder Rehabilitation

Owen Bowcott, Guardian: The government’s “harsh” system of criminal record checks prevents people with minor past convictions from applying for jobs and moving on with their lives, the supreme court has been told. Several unnamed claimants in England, Wales and Northern Ireland have brought a challenge against the system, claiming that it hinders rehabilitation. One of them, a woman identified only as P, who is represented by the human rights organisation Liberty, committed two minor offences – theft and failing to answer bail – while she had a then undiagnosed mental illness in 1999. She has not reoffended since and wants to work as a teaching assistant. However, she has to reveal the convictions when applying for jobs and, in explaining the circumstances of the offences, has to reveal details of her medical history.

The criminal record checks system, known as the Disclosure and Barring Service (DBS), requires past offences to be revealed in a number of circumstances. These include where the conviction or caution is serious, where it is current and not deemed to have been spent under the Rehabilitation of Offenders Act, where it resulted in a custodial sentence and where someone has more than one conviction. The court of appeal said the scheme – in relation to multiple convictions and certain specified offences – breached individuals’ right to private and family life under article 8 of the European convention on human rights.

But Sir James Eadie QC, representing the Home Office and Ministry of Justice, told the supreme court that the scheme “as a whole seeks to safeguard the vulnerable and help ensure that employments, offices and licences which require a particularly high level of trust continue to command public confidence. “It is for those employees to consider the relevance of the information provided in the context of the particular case.”

Caoilfhionn Gallagher QC, for the charity Unlock, which has intervened in the case, argued in written submissions that people with relatively minor convictions and cautions “face stigma and obstacles because of their criminal records often many decades after they have been sentenced or cautioned and often throughout their adult lives despite their criminal records dating from childhood. “These adverse effects are felt in particular by children in care as there is a substantial body of evidence indicating that their youthful indiscretions are disproportionately criminalised ... and that behaviour which is normal or common in a family home environment (teenage door-slaming, threats during an argument with adults) attracts police attention.”

Christopher Stacey, a co-director of Unlock, a charity for people with convictions, said before the hearing: “Our research shows the significant number of people who are being unnecessarily anchored to their past as a result of a DBS filtering system which is blunt, restrictive and disproportionate. In the last five years alone, over 1m youth criminal records were disclosed on standard or enhanced criminal record checks that related to offences from over 30 years ago. “The current system has multiple, harsh consequences and damaging effects on individuals – in particular it deters people from applying for employment, and for

those that do apply it brings high levels of stress, anxiety and feelings of shame and stigma. It acts as an additional sentence that often runs for life. It desperately needs reform.”

At the opening of the hearing, the president of the supreme court, Lady Hale, congratulated Eadie on his recent knighthood. As “Treasury Devil” – the title given to the barrister who represents the government in the most significant and sensitive cases – Eadie regularly appears at the UK’s highest court. “Whether [the knighthood] makes your submissions any more persuasive, we will have to wait and see,” Hale remarked.

Family Speak Out About Process, as Inquest Into Death Of Rashan Charles Concludes

The inquest into the death of Rashan Charles has concluded with the jury finding his death was “accidental”, and that the officer used “justified use of force”, but did not take appropriate action for medical emergency. Rashan, a 20-year-old black man died following restraint by Metropolitan Police officers in Hackney, East London in the early hours of Saturday 22 July 2017. Rashan was a father to a young daughter and has been described as caring and generous by his family.

The coroner did not leave the option for the jury to come to a more critical conclusion, such as neglect or unlawful killing, saying she did not believe a “reasonable jury could see this”. The jury gave a conclusion of accidental death with a narrative which found: Rashan demonstrated resistance during restraint, and police brought him to the ground to get better control of him through “justified use of force”; Officer BX47 did not follow prescribed police protocol for when someone is not breathing and suspected of swallowing drugs; The impact of the bystander who assisted in the restraint was not managed by the police officer; The officer failed to call an ambulance using the override button on his police radio; None of the actions taken by the police medic or paramedics contributed to Rashan’s death.

The officer involved in the restraint of Rashan, who was given anonymity and referred to as BX47, was a Territorial Support Group officer. BX47 gave evidence explaining he went in pursuit of Rashan after he exited a vehicle which had been ‘acting strangely’. However, BX47 had no knowledge of or intelligence on Rashan, or the other men in the vehicle. CCTV footage shows the officer following Rashan into the shop and immediately attempting to restrain him. They struggle, then Rashan is swiftly taken to the floor by the officer. At this point a bystander, known as Witness 1, becomes involved in the restraint, assisting in handcuffing Rashan as he thrashes on the floor saying nothing. Body camera footage shows that at one-point Rashan grasps toward his face, then his arm was taken back and handcuffed.

The officer then turned Rashan on his side, and begins to tell him to “spit it out”. Another witness who had been in the shop gave evidence saying, “When the cuffs had gone on I saw Rashan’s face and I thought – he’s in trouble.” Independent medical expert, Dr Jasmeet Soar believed it was at this point that purposeful movement from Rashan stopped. He was unable to determine when Rashan stopped breathing or started choking, and noted it was difficult to recognise this, even for experts. However, Dr Soar believed it would have been some time before Rashan was turned over, as deterioration in breathing is “gradual not sudden”.

Two witnesses, instructed by the Independent Office for Police Conduct, gave evidence on police procedure. Both were former officers of the Metropolitan Police. One remains an employee, the other continues to work as an external trainer through his own company. They said officers are trained that if you suspect a person has swallowed drugs, treat it as a medical emergency; if you perceive drugs are still in the mouth you can attempt to remove; and if you suspect choking you should commence first aid such as abdominal thrusts.

The second expert witness on police restraint training, Martin Graves, also gave evidence explaining it was “nigh on impossible” to conduct a mouth search single handily, and officers are trained to do so in groups which include a safety officer to monitor breathing. Despite explaining differences between the training and practices seen in the videos, neither of these witnesses saw any breach of procedure in the actions of the officer. Since Rashan’s death the Metropolitan Police have suspended the use of mouth searches, pending an ongoing review on the tactic. The Coroner will be making a Prevention of Future Deaths report, highlighting issues raised.

The family of Rashan Charles said: “Rashan Charles was a young father and an integral part of his family. He is greatly missed by all of us. We believe the IOPC investigation was flawed from the outset. We were left out of key decisions, evidence was excluded, police worn video missing and time frames manipulated. This felt to be a predetermined process by the IOPC, the Metropolitan police and the CPS. The submissions by the family barrister were overturned in court and evidence dismissed. However, it is important we afford due respect to the jury who had to make a decision based on the limited evidence and confines put upon them. The two expert witnesses on restraint had 75 years combined service in the Metropolitan police, and one still serving. This appears to us neither objective, independent or impartial. The police projected a criminal caricature of Rashan even after his death. This successfully served to detract from the events of 22nd July 2017. We are not adversaries of the police. This is about the conduct of individual police officers. However, the absence of admission of any responsibility does not stall community relations by weeks or years, but sets it back generations. This part of the flawed system is over, our work to receive answers continues.

Deborah Coles, Director of INQUEST said: “It is difficult to reconcile the harrowing footage of Rashan’s death, and the outcome of this inquest. The Coroner and lawyers representing the police were keen to highlight the context of gangs, drugs and violence in Hackney, in order to deflect attention away from the conduct of the police. Yet Rashan was completely unknown to these officers. It is clear the officer lost sight of Rashan’s safety and humanity, and of the well-known dangers of restraint. This death occurred in the context of a systemic pattern of disproportionate use of force against young black men, along with over policing and criminalisation. This process has not delivered the accountability that this family and the public need.”

Kim Vernal, the solicitor representing Rashan’s family said: “This inquest into Rashan’s tragic death has revealed deficiencies in the training of police officers with regard to choking risks. In particular, in circumstances where an individual is suspected of putting an item in their mouth. It was apparent from the evidence that it is not always clear to officers when a person is choking and when breathing is abnormal. This must be addressed if another tragedy is to be avoided. Officers should be taught, if in doubt, to err on the side of caution and do not presume a person is resisting. It is also hoped that the Metropolitan Police will think twice about reinstating it is dangerous policy on mouth searches.”

HMP Woodhill – Staggering’ Total Of Self-Inflicted Deaths

A total of 19 men had taken their lives in seven years – HMP Woodhill was found by inspectors to be struggling to sustain improvement in care for vulnerable prisoners. Inspectors also found “chronic and substantial” staff shortages. As a consequence, the prison ran a regime which meant many prisoners were locked up in their cells for long periods every day.

Peter Clarke, HM Chief Inspector of Prisons, warned this severely limited regime risked undermining the work to improve care. “Incidents of self-harm remained high. Improvements had been

made to the way prisoners at risk of self-harm were assessed and supported, but not all planned improvements had been sustained and we had real concerns that the poverty of regime had the potential to undermine the well-being of those at risk.” Inspectors found, overall, a “decidedly mixed” picture at Woodhill – which holds just over 600 men as local prisoners, alongside a small number of high-security prisoners. The assessment of respect for prisoners in the jail was “reasonably good”, with mostly good living conditions. Rehabilitation and resettlement work was also “reasonably good.” However, safety and purposeful activity, the other two “healthy prison” tests applied by HM Inspectorate of Prisons, were both assessed as poor, the lowest assessment. Both these aspects had deteriorated significantly since the previous inspection in 2015.

Mr Clarke said: “Underpinning nearly all the concerns raised in this report, including issues of safety and well-being, were chronic staff shortages and inexperience. This led to poor time out of cell, unpredictable daily routines and limited access to activity. From a staffing complement of 320 officers there were, at the time of the inspection, 55 vacancies, and 20% of officers in post had less than 12 months’ experience. Many prisoners expressed frustration at the apparent inability of staff to help them. “During the working day we found half the population locked in their cells. Our colleagues in Ofsted judged the overall effectiveness of learning and skills provision to be ‘inadequate’, their lowest assessment and caused mainly by the under-use of available training and education resources owing to staff shortages.”

Inspectors found that Woodhill was “still not safe enough.” Though wings appeared to be relatively calm, nearly a third of prisoners said they currently felt unsafe and over half had felt unsafe at some point during their stay. Many prisoners reported victimisation and violence had increased – to levels greater than inspectors typically see in local prisons. Mr Clarke added: “We were concerned about the high number of assaults that had taken place against staff. It was hard to avoid the conclusion that this was related to the paucity of the regime on offer and the inconsistency of staff in their dealings with prisoners.”

Woodhill’s historical failure to implement recommendations from coroners and following Prisons and Probation Ombudsman inquiries into deaths had been the subject of repeated criticism, Mr Clarke said, “and had led to external scrutiny and analysis.”

Despite this, and work to improve care, “the number of self-inflicted deaths remained a huge concern”, Mr Clarke added. “At the time we inspected, eight prisoners had taken their own lives since our previous inspection in 2015 and, staggeringly, 19 prisoners had taken their own lives at the establishment since 2011. Tragically, a few months after this inspection another prisoner was reported to have taken his own life.” Overall, Mr Clarke said: “It was clear to us that some improvements had been made at Woodhill and the governor and her team had expended considerable effort, enthusiasm and commitment to promote a positive culture in the establishment. That said, a disappointingly small number of recommendations from our previous inspection had been achieved. The priorities for the prison were clear: to stabilise the regime through adequate staffing; to devise and implement a clear, evidenced-based strategy to improve safety; and to sustain and embed the work being done to reduce self-harm.”

Care of Prisoners’ Children

Fiona Bruce (Congleton) (Con): I will be considering the care of prisoners’ children following the sentencing of their parent. Are we doing all we can to support the wellbeing of children with a parent in prison, bearing in mind the traumatic impact that the detention of a parent can have on a child? It is estimated that more than 200,000 children a year are separated from a parent by parental impris-

onment. About 17,000 of those children experience their mother's imprisonment. Because women are more likely than men to be the primary carer, often children are suddenly separated from the closest relationship they have known in their lives. In up to 95% of cases, the children are suddenly without a parent or a home. I understand that there is no systematic recording or monitoring to support those children, so in many ways they are a hidden population. The arrangements for the care of such children are often very informal, with the children being suddenly left with a relation, for example, whose life circumstances mean that they are ill prepared for the additional responsibility, with all the consequences that ensue for them and, importantly, for the children. One of the worst examples I heard was of a woman who was arrested in the middle of the night, but who was still nursing a baby. On the way to the police station, the police asked her, "Where shall we drop the baby off?". She had to tell them a house where the baby was to be dropped off. That mother did not have the care of that child again for well over a year. That is a startling situation.

Before going into further detail about the impact on children and their carers, I thank Justice Ministers for their very positive response to Lord Farmer's review, which was published last August, "The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime". The acceptance of the importance of maintaining family ties to the successful rehabilitation and reintegration of prisoners, which was implicit in the Government's response to the review, was most welcome. At the same time, it is important that we recognise that prisoners' families, particularly their children, can experience severe difficulties following the imprisonment of a parent. Greater consideration of their circumstances and wellbeing would help to improve the likelihood of their parents' better reintegration and rehabilitation. Importantly, it would reduce the risk of those children being imprisoned in later life. The statistics are devastating: some 60% of boys with a father in prison will end up in prison themselves. Staggeringly, I am informed that if they also have a brother in prison, that figure can rise to 90%.

We should take care of prisoners' children not just to keep them out of prison, but to give them the best chance to make something of their lives when they have been placed in an extremely vulnerable situation at a young age. Research shows that prisoners' children face significantly reduced life chances. They are less likely to be in education, training or employment in later life. They have an increased risk of mental health problems and substance abuse. The imprisonment of a parent can compound any pre-existing family problems that the child may have experienced or witnessed, such as domestic abuse, mental health issues or substance abuse.

Children who witness their mother's arrest often experience nightmares and flashbacks. Separation from parents, particularly mothers, can be deeply traumatic for children and can result in the development of attachment disorders in young children. Children with a parent in prison may experience stigmatisation, isolation and discrimination, as well as confounding grief that is expressed in angry and aggressive behaviours. They may have no one at school with whom they can share their situation. The emotional and physical stress after separation often requires intensive parenting, for which professional help and support ideally would be available, but often it is not. Family members who step in as carers at short notice are often unprepared for what their role involves. Often, they have to give up work to provide care. One grandmother explained: "emotionally, it's terrible. It's like they've changed so much, they've got behavioural problems. They weren't like that before. Especially the little one who cries for his mum all the time."

Understandably, those who take on such caring roles do not always do so willingly. The subsequent breakdowns of family placements cause further harm to children. Families who do so willingly still often have to adjust their living arrangements, creating further difficulty for both

the carer and the child. I thank Dr Shona Minson at Oxford University for drawing my attention to the gravity and scale of the situation. In her research, one grandmother's experience exemplifies that perfectly: "It's cramped. What was my bedroom, I've now got two lots of bunk beds and four boys in there. The middle room is my daughter's room and the baby sleeps in there and I sleep on the settee in the front room." Another grandmother explained the serious financial problems she encountered, having to go back to work to support her enlarged family and getting into debt at the same time. Because of the difficult living arrangements and frequent relationship breakdowns in what can be very temporary homes, often there is accompanying schooling disruption. Children have four different carers on average during a mother's sentence. Many encounter other significant changes, such as separation from siblings.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I congratulate my hon. Friend on securing this debate and on powerfully speaking out for some of the most vulnerable in our society. She has raised some powerful examples. She mentioned Justice Ministers earlier, it is excellent to see the Education Minister in his place and she also mentioned housing. Does she agree that this is a cross-departmental issue? It is important that the Minister works together with Ministers from other Departments to help some of the most vulnerable in our society.

Fiona Bruce: I thank my hon. Friend for, as ever, making a highly pertinent point. What I am speaking about forms part of a much larger piece of work that is encompassed in "A Manifesto to Strengthen Families". It was launched last September and has the support of 60 Conservative Back-Bench colleagues. It contains a range of policies that aim to strengthen family relationships. As my hon. Friend says, they straddle many Departments, from Health to Education, Defence, Justice, Work and Pensions, and Housing, Communities and Local Government. As part of the work on strengthening families, it is important that Departments across Government pull together and that the machinery of government works holistically. Many Departments are doing good work to strengthen family life, such as through the recent announcement of £6 million for the children of alcoholics, and a much larger sum provided for children with mental health problems, many of which stem from their family backgrounds. However, a key ask in the manifesto is for a Cabinet-level Minister for the family. I am delighted to see the Minister with responsibility for children here. I would be even more delighted if he were promoted to the Cabinet and had the role of drawing together all the various strands for supporting family life, many of which could appropriately be channelled into family hubs in local communities.

I am delighted that there will be a roundtable this afternoon at No. 10, at which people from across the country will give examples of best practice for creating family hubs in local communities. Those are places people can go for support to strengthen their families—not just people with children from nought to five, but those with children aged up to 19, sandwich generation people who are struggling to support an elderly parent, and people whose marriage is at an early stage of breakdown and want light-touch early intervention to ensure that it does not fall apart completely and end up in the divorce courts. Family hubs may also be places for prisoners' children and their wider families to get help. There is often no official recognition of the plight of prisoners' children, and they often have inadequate support, if any. Care givers are often not assessed, and they receive little, if any, financial assistance or other support. In the light of that, there appears to be a big difference in treatment between those children and children who are separated from their parents and go through care proceedings. The impact on prisoners' children can be lifelong. They encounter multiple disadvantages, which often match those of children who are put before the court in care proceedings.

Children who are separated from their parents due to parental abuse or neglect are rep-

resented by lawyers and may be appointed a guardian ad litem, and a real focus is placed on their interests. If such a child is left without a parent, they are found a new home. Support is provided to those who care for them. Foster carers are assessed and receive training and financial support. The child is also likely to be classed as a looked-after child or a child in need, both of which open doors to additional funding in health and education, such as the pupil premium. That can ensure that the child is given more support and a more understanding environment at school. If the child moves to a new area, a school place is arranged for them.

However, in criminal proceedings involving parents of dependent children, the court may be completely unaware that the person it is sentencing has children. Even when the court is made aware, the impacts on those children often are not appropriately considered. For example, in a recent piece of research, the Prison Reform Trust reported that one mother explained that the jury “didn’t ask me anything, didn’t even ask me if I had a child. I had to stand up and say ‘I’ve got a daughter at home who needs looking after.’ Thankfully, I’ve got a very supportive mother and she took the role of carer. I was not asked if she had a carer, it was just me they were focused on, just getting me to where I need to be.” I called this short debate, in the light of that, to draw attention to the impact of parental imprisonment on those most vulnerable children. I ask the Minister what can be done more systematically and empathetically to identify and support the needs of prisoners’ children and their care givers, so that we avoid giving them a hidden sentence, which may be lifelong, when their parents are sentenced by the courts.

As time permits, let me touch on one or two other points before the Minister responds. The relationship between a parent and a child is often damaged by the child’s inability to visit their parent. Many families would welcome more being done to facilitate visits, perhaps through the provision of travel funding that is not means-tested. Shona Minson of Oxford University found in a recent study that a number of factors influence the possibility of a child being unable to attend visits, including restricted visiting hours; unaffordable travel, which I mentioned; the frightening environment for children; traumatic endings; and indirect contact by telephone or letter, which children do not particularly favour. The Farmer review confirmed that face-to-face contact was the best way to develop family ties, and that family members found security checks frightening and stigmatising.

It would be helpful if prisons identified that family visits improve outcomes for prisoners and should be viewed as an intervention, not just to help reduce offending but to improve the quality of life of prisoners’ children. Family ties may also be strengthened through one-to-one mentoring support for prisoners’ children, parenting classes and courses to strengthen prisoners’ relationships with their families. There is plenty of evidence of good practice by faith-based and non-voluntary organisations, which are working together to strengthen prisoners’ family ties.

Let me give the example of a young girl and her family. During a family day visit at HMP Wandsworth, a charity worker from Spurgeons noticed that 14-year-old Jade, who was visiting her father, was sitting with him in floods of tears. When staff asked Jade’s mother why she was distressed, her mother confided that the family was having a difficult time. Jade was upset and struggling to cope with being separated from her father. Her school work was suffering as a result. Her mother had asked the school for help, but it seemed unable to offer any. Spurgeons staff sent a link worker to visit Jade’s school and put in an appropriate plan. Her mother thanked Spurgeons for that intervention and explained that, although she had been asking for help since the moment her husband was taken to prison, that was the first time anyone had actually offered the family any support.

Charities such as Spurgeons certainly have an impact on families such as Jade’s, but their reach and resources are limited. Diane Curry, chief executive of Partners of Prisoners,

argues that that “is one reason why provision is so patchy and a lot better developed in some geographical areas...than others.” In the light of that, I ask the Government to look at improving services to support children such as Jade and their families. As I said, the strengthening families manifesto outlines that the Government need to focus on supporting families to ensure that policies for children are prioritised and co-ordinated across Departments. Ideally, they should also ensure that every local authority has a family hub, which can act as an important site for prisoners’ families to receive support services, and that prisons put families at the heart of efforts to reduce reoffending and improve the lives of prisoners’ children.

Parliamentary Under-Secretary of State for Education (Nadhim Zahawi): It is a pleasure to serve under your chairmanship, Sir David. I congratulate my hon. Friend the Member for Congleton (Fiona Bruce) on securing the debate. As Minister for Children and Families, I have listened and spoken to many people about the issues concerning some of the most vulnerable children in our society. I have been inspired by the commitment of our frontline practitioners, such as social workers, teachers and others in the sector—including charities, which my hon. Friend spoke about so convincingly. I commend her on bringing concerns to life through the voices of children and their families. Those practitioners work tirelessly to achieve better outcomes for children in challenging circumstances. I am aware of my hon. Friend’s concerns about the support that children who are affected by having a parent in prison receive, both to maintain a relationship with that parent and to deal with the long-term challenges they might face in relation to their own outcomes. I share those concerns, and I reassure her that I will continue to do all I can, in my capacity as Minister for Children and Families, to ensure that all children get the help and support they need from across Government to live fulfilled and happy lives.

A parent going to prison can be hugely traumatic for the child—it can make them vulnerable or even put them at risk of harm. Effective multi-agency working is vital to ensuring that vulnerable children are identified and known to all relevant authorities from justice, which my hon. Friend mentioned, to social care and schools. Reforms introduced by the Children and Social Work Act 2017 underpin a stronger but more flexible statutory framework for local multi-agency arrangements that will support local partners to work together more effectively to protect and safeguard children and young people, and ensure the effectiveness of those processes.

We are also taking significant steps to improve information sharing on safeguarding children, which is vital to ensuring that an offender’s caring responsibilities are disclosed and services are alerted to changes in a family’s circumstances. Under the Children Act 1989, local authorities have overarching responsibility for safeguarding and promoting the welfare of all children in their area, which applies regardless of what care arrangements are in place for a child. Where concerns have been raised about a child in need, the “Working together to safeguard children” statutory guidance sets out the principles of what good assessment looks like. Assessments should be child centred, involving children and families, and building on strengths as well as identifying weaknesses, and addressing the child’s needs within their family and, of course, the wider community.

Michael Tomlinson: I am listening with interest to the Minister, who will have heard my intervention about working across Departments. Will he be able in due course to explain to the House what work he can do across Departments—perhaps with the Prisons Minister, my hon. friend Member for Penrith and The Border (Rory Stewart)—in addition to the multi-agency work he is rightly highlighting?

Nadhim Zahawi: I did hear my hon. Friend clearly. We already work across Departments, and I hope that in the rest of my speech I will be able to convince him that we are doing some really good work in this area. There should be a clear focus on actions and outcomes for

children, with plans for how assessment and support provided will be reviewed. All decisions regarding formal care placements will also be child focused to ensure that arrangements meet the needs of that child and promote their safety and welfare. That process is the same for each child, including in cases where a child's primary carer goes to prison. The Member for Congleton rightly said that in many cases care arrangements might be with wider family or friends, often recognised as kinship care. We recognise the vital importance of those placements, which are likely to provide more continuity than a placement with previously unknown carers and can help to preserve a child's sense of belonging to a wider family network. For most children, there is huge benefit from being brought up by a family member whom they trust and already have an established relationship with, rather than by a stranger.

The law requires local authorities to support the upbringing of looked-after children and those on the edge of care by their families whenever possible. That option should always be fully explored by the local authority before making an application for a care order, provided that it does not jeopardise the child's safety or welfare. Local authorities are under a statutory duty to publish a policy that sets out the authority's approach to promoting and supporting the needs of all children living with carers who are family and friends, regardless of their legal status. The policy should be clear, regularly updated, and made freely and widely available. Approved family and friends foster carers receive the same support as other foster carers, including financial support. Family and friends carers in informal arrangements are treated equally with birth parents in the benefits system in relation to child benefit, child tax credits and other means-tested benefits. Local authorities also have a statutory role where children are being cared for by friends, neighbours or certain other relatives under a private fostering arrangement. The local authority must visit such an arrangement within seven days of being notified of it and should speak to the parents and provide support and advice where necessary. Local authorities must also carry out follow-up visits to ensure that the arrangements remain in the best interests of the child.

I turn briefly to education. It is not only children's social care that has an important role to play; school and college staff are particularly important as they are in a position to identify concerns early, provide help for children and prevent concerns from escalating. We recently published revised "Keeping children safe in education" guidance, which will commence on 3 September. Having worked closely with the Ministry of Justice, we have reflected on the importance of school staff considering the additional needs of children with parents in prison, so the guidance now highlights the fact that such children are at risk of achieving 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 for professionals who work with offenders' children and their families.

All school staff should be aware of the systems within their school or college that support safeguarding, as well as being able to identify children who might be in need of extra help and protection, such as children of offenders. That is vital to avoiding children's needs going unidentified and so that any trauma a child has experienced can be taken into account in responding to any behavioural issues. The Department's advice on behaviour says that schools should consider whether disruptive behaviour might be the result of a child's needs, such as any arising from the trauma of a family member or parent going to prison. School staff should also be prepared to identify children who might benefit from early help. To be clear, if a child is in danger, has been harmed or is at risk of harm, a referral should be made to local authority children's social care and, where appropriate, the police.

It is important that all children get the support they need. Her Majesty's Prison and Probation

Service is working in partnership with Barnardo's to deliver the National Information Centre on Children of Offenders, which is an online resource to provide support for children affected by having a parent in prison. We are also supporting cross-Government programmes for prevention and diversion work, including the troubled families programme and those focusing on school inclusion. Good mental health is another particular priority. We recognise the emotional upheaval that a parent going to prison can cause a child, and when children are struggling with poor mental health, that can have a profound impact on the whole of a child's life. That is why the Government are investing an additional £1.4 billion nationally to transform children and young people's mental health services. On top of that, the measures proposed in the Government's Green Paper on children and young people's mental health will provide £300 million of additional funding to introduce a new mental health workforce to work with mental health leads in schools and colleges and reduce waiting times for those with the most serious conditions. The Ministry of Justice is working with the Department of Health and Social Care to develop a series of trailblazers that will test such teams outside of mainstream schools, including with youth offending teams.

Where a parent is involved in the justice system, it is vital that families receive support from the outset and that courts are aware that a defendant has children before they are sentenced. That is critical to avoiding those children being unseen or unaccounted for, so we are ensuring that the National Probation Service's pre-sentence reports, which assist the court in making sentencing decisions, highlight whether an offender has dependent children and the potential impact on those children of a sentence so that that can be considered. We are also working to encourage defendants to tell the court about children, overcoming reluctance or fear if there are concerns that their children will be immediately taken into care. That includes supporting the roll-out of training material developed by the academic expert, Dr Shona Minson, which raises awareness of the diverse implications of maternal imprisonment for children.

Families can play a significant role in supporting an offender. Positive family relationships have been identified as a protective factor in desistance, or ceasing to commit crime. For that reason, the Government are promoting strong family and significant other ties as an important plank of our prison reforms, alongside education and employment. Lord Farmer's report on the importance of strengthening prisoners' family ties, which my hon. Friend referred to, was published last year. It made several recommendations to strengthen family or significant other ties to help offenders to turn their lives around and protect public safety. Across Government, and through the Ministry of Justice in particular, we have taken forward key recommendations, including giving prison governors the budget and the flexibility to spend their resources appropriately—such as on family-friendly visiting areas—to help prisoners to keep important family or significant other ties.

Hostages: Sally Challen, Naweed Ali, Khobaib Hussain, Mohibur Rahman, Tahir Aziz, Roger Khan, Wang Yam, Andrew Malkinson, Michael Ross, Mark Alexander, Anis Sardar, Jamie Green, Dan Payne, Zoran Dresic, Scott Birtwistle, Jon Beere, Chedwyn Evans, Darren Waterhouse, David Norris, Brendan McConville, John Paul Wooton, John Keelan, Mohammed Niaz Khan, Abid Ashiq Hussain, Sharaz Yaqub, David Ferguson, Anthony Parsons, James Cullinane, Stephen Marsh, Graham Coutts, Royston Moore, Duane King, Leon Chapman, Tony Marshall, Anthony Jackson, David Kent, Norman Grant, Ricardo Morrison, Alex Silva, Terry Smith, Hyrone Hart, Glen Cameron, Warren Slaney, Melvyn 'Adie' McLellan, Lyndon Coles, Robert Bradley, John Twomey, Thomas G. Bourke, David E. Ferguson, Lee Mockble, George Coleman, Neil Hurley, Jaslyn Ricardo Smith, James Dowsett, Kevan & Miran Thakrar, Jordan Towers, Patrick Docherty, Brendan Dixon, Paul Bush, Alex Black, Nicholas Rose, Kevin Nunn, Peter Carine, Paul Higginson, Robert Knapp, Thomas Petch, Vincent and Sean Bradish, John Allen, Jeremy Bamber, Kevin Lane, Michael Brown, Robert Knapp, William Kenealy, Glyn Razzell, Willie Gage, Kate Keaveney, Michael Stone, Michael Attwooll, John Roden, Nick Tucker, Karl Watson, Terry Allen, Richard Southern, Jamil Chowdhary, Jake Mawhinney, Peter Hannigan.