

# Framework for the support of families affected by the Justice System

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3rd Edition



## Acknowledgements

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The Framework was subsequently endorsed by all of the Community Justice Authorities and published with their branding. Families Outside is pleased to release this second edition, now with feedback from the Crown Office & Procurator Fiscal Service (COPFS) and redrafted and updated by Families Outside.

We commend the Framework to you to guide your practice in working with families affected by the justice system.

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## Introduction

The *Framework for the support of families affected by the justice system (the Framework)* understands involvement with the justice system to be a family experience. If someone is arrested, must attend court, is remanded or sentenced to custody, or is sentenced to a community penalty, this will have emotional and practical implications for that person's family and other key relationships.

The Framework's focus is on these family members; their key issues, their rights, and their potential needs at each stage of the justice process.

### I. Aim

The Framework is intended for use across various settings and circumstances, by any agency directly or indirectly involved in the support of families. Its 11 broad outcomes and associated recommendations describe an ideal standard of support for families affected by the justice system.

These are not entirely new ideas. Scotland has many examples of good and innovative practice in the support of families, and agencies may recognise their current practices in many of the outcomes and recommendations listed below.

Conversely, the Framework does not just capture current good practice. There will be outcomes and recommendations that are not yet reflected in current practice, and some that are intentionally aspirational.

By encouraging multiple agencies to work towards the same family-focused outcomes, the Framework aims to contribute to good, consistent practice in the support of families, and ultimately to support positive life outcomes for every family affected by the justice system.

### II. Using the Framework

The Framework is designed as a reference document. Agencies may choose to apply it to their work in any number of ways, for example as an audit tool, an improvement framework, or for analysis of training needs.

Importantly, the Framework is *not* a prescriptive 'how to' guide for working with families. Each family will have their own unique structure, circumstances, issues, and needs. Exactly how the Framework's outcomes are best achieved at an individual level will vary considerably between families, and some recommendations are simply not appropriate in certain situations.

Similarly, the Framework is intended for use by a broad range of agencies with widely varying remits and responsibilities. Accordingly, there will be variation in the ways and extent to which each agency contributes to achieving each of the outcomes.

This is a working document that will be periodically reviewed and updated based on feedback from agencies using the Framework.

### Supporting Document

Agencies are referred to the Supporting Document for rationale, good practice, and further information on many of the outcomes and recommendations. Examples of how agencies are applying the Framework to their work will also be included here as these become available.

As with the Framework itself, this is a working document that will be periodically reviewed and updated.

## Self-Assessment Tool

Agencies are also referred to the Self-Assessment Tool in the Appendix. This is designed to help individual agencies measure their performance against the standards in the Framework.

## III. Guiding principles

Three guiding principles underpin every outcome and recommendation listed in the Framework and should inform all practice relating to families affected by the justice system:

### i. Family members are not guilty

All outcomes and recommendations in the Framework are based on the assumption that family members have done no wrong. Agencies should consider the impact on family members at all stages of the justice system, ensure their rights are upheld, and ensure they are not discriminated against because of the actions of their family member.

### ii. Every family is unique

Different families and different family members will experience and respond in different ways to a family member's involvement in the justice system. Even *who* is affected will vary between families. All decisions and actions relating to the family of someone involved in the justice system must therefore be dealt with on a case-by-case basis.

### iii. Multi-agency working is key to successful outcomes

Many different agencies may be involved directly or peripherally in the support of families affected by the justice system. To ensure a family's needs are addressed and their rights are upheld, all agencies involved must work collaboratively towards the same good outcomes for family members.

## IV. Framework structure

The Framework is organised into three levels of information:

- Outcomes;
- Recommendations; and
- Responsible agencies

### Outcomes

The Framework lists 11 broad outcomes. Together, these outcomes present an ideal minimum standard of support that should be available to every family affected by the justice system.

The outcomes are grouped into four topic areas: Families are included and engaged; Families are connected; Families are safe and well; and Informed practice.

### Recommendations

Recommendations are listed beneath each of the 11 broad outcomes. These are suggested actions that agencies could take to achieve the outcome.

It is at this level that variation in practice may occur. Depending on a family's individual circumstances and needs, some recommendations may simply not be possible or appropriate to that family. Similarly, it will not be possible or appropriate for every agency to be involved in every recommendation.

For ease of reference, recommendations are organised into a colour-coded table according to which stage of the justice process they are most relevant to (see Table 1).

## Responsible agencies

The Framework is intended for use by any statutory, private, or third sector agency involved directly or indirectly in the support of families affected by the justice system. There will be variation in how these different agencies support the outcomes and recommendations listed: It will not be practical or appropriate for some agencies to be involved in delivering certain outcomes; some outcomes may only be achieved by one particular agency; and others may be achieved in various ways by multiple agencies.

The ‘responsible agencies’ are suggestions for which agencies or type of agency could contribute to achieving each of the recommendations. They are listed in the right-hand column alongside the recommendations. A glossary of the agencies referenced is included in Table 2 below.

It is important to reiterate that these are suggestions only. Every agency using the Framework is encouraged to consider all recommendations in turn and independently to determine whether and how they can contribute to each.

Table 1: Glossary of responsible agencies

AGENCY NAME	DESCRIPTION
All	Sub-outcome has relevance to all or many agencies
Addiction Support Agencies	Organisations with a remit to support people around drug and alcohol misuse
Community Planning Partnerships (CPP)	Local Authority Community Planning Partnerships
Crown Office and Procurator Fiscal Service (COPFS)	Crown Office and Procurator Fiscal Service
Defence Solicitors	Lawyers defending accused persons
Education Agencies	Schools, tertiary colleges, community colleges
Family Support Agencies	Organisations with a remit to support families
Health Agencies	National Health Service, voluntary organisations with health focus
Housing Support Agencies	Organisations with a remit to support people with housing and accommodation issues
Justice Agencies	Organisations with a remit to support people involved or affected by the justice system
Local Authorities	Local government bodies responsible for provision of public services
Media	Online, television, or print organisations or individuals reporting on people involved in the justice system
Parole Board Scotland	Parole Board Scotland
Police Scotland	Police Scotland
Prison Visitor Centres	Independent centres (usually) adjacent to prisons that offer various facilities and services for visitors to prisons
Scottish Children’s Reporter Administration (SCRA)	Scottish Children’s Reporter Administration, the national body of Children’s Reporters
Scottish Courts and Tribunals Service (SCTS)	The Scottish Courts and Tribunals Service: High Court of Justiciary, Sheriff Court, Justice of the Peace Court
Prisons	All Prisons and Young Offender Institutions in Scotland, including privately run establishments
Security Agencies	Court security and prisoner transport agencies [currently G4S]
Social Work	Children and Families Social Work or Criminal Justice Social Work as appropriate
Other Support Agencies	Learning and development organisations, Youth Outreach organisations, other third sector organisations

## V. Key terminology

### Agencies and staff

The Framework is intended for use by any statutory, private, or third sector organisation involved directly or indirectly in the support of families. These organisations are referred to collectively as **‘agencies’**.

Anyone working for an agency, whether on a voluntary or paid basis, is referred to throughout the Framework as **‘staff’**.

### Justice System

The justice system is defined from when the police identify someone they consider has committed some criminal activity until that person leaves the justice system.

Recommendations within the Framework are organised according to which stage of the justice process they are most relevant to. The stages of the justice process have been considered from a family perspective and are defined below.

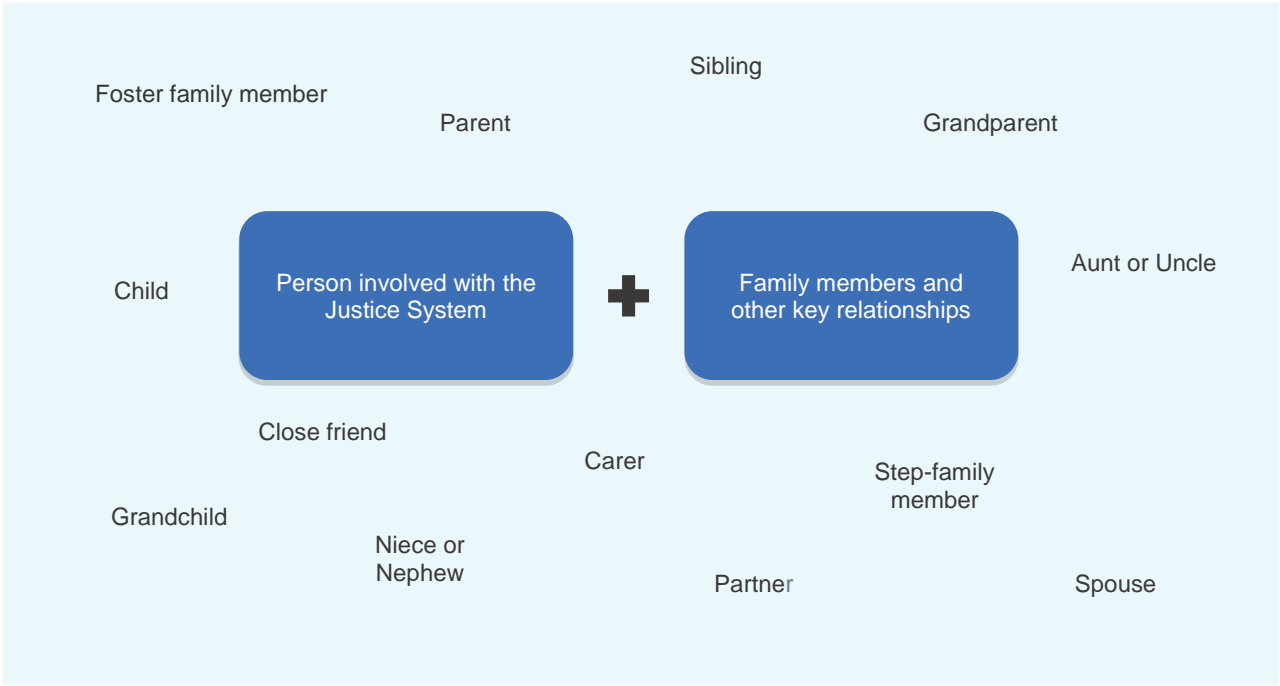
Table 2: Stages of the Justice Process used by this Framework

ALL STAGES	Relevant across the majority or all stages of the justice process.
ARREST AND CHARGE	Specific relevance to the period between police identification of an accused and the Procurator Fiscal’s decision on appropriate action.
COURT AND SENTENCING	Specific relevance to an accused’s appearance in court and their sentencing.
CUSTODY	Specific relevance to periods of time when an accused/convicted person is held in custody away from their family whether as pre-trial detention/remand or a custodial sentence.
COMMUNITY	Specific relevance to periods when an accused/convicted person is under, or transitioning to, supervision in the community whether pre- or post-conviction. Recommendations here refer to any time that an accused/offender is living in the community full-time, living in the community occasionally as part of their transition from custody (for example, Home Leave), or planning their transition from custody to community.

### Families affected by the justice system

A family affected by the justice system will include the person involved with the justice system (the person accused or convicted of a criminal offence), and that person’s family members or other key relationships. The Framework takes a broad understanding of family to include any significant relationships; family members may include, for example, spouses, siblings, parents, grandparents, children, extended family, step-family relationships, or close friends (see Figure 2). Exactly who will be affected by a family member’s involvement in the criminal justice system should be considered on a case-by-case basis.

Figure 1: Family affected by the justice system



Where a recommendation has potential relevance for both the person involved with the justice system and for their family members, the Framework refers to **‘families affected by the justice system’** or **‘families’**.

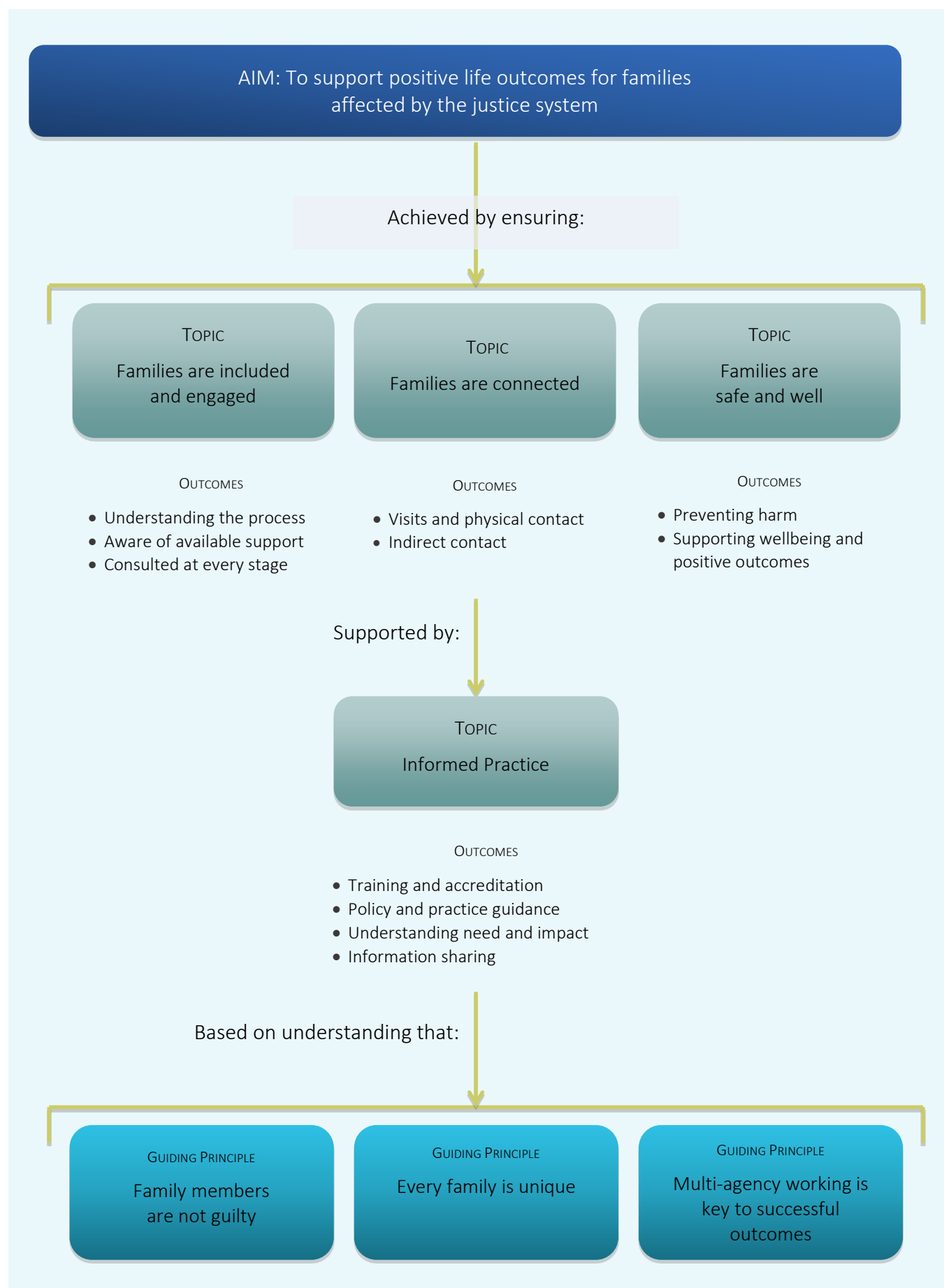
Where a recommendation has particular relevance for the family of those involved with the justice system, the Framework refers to **‘family members’**.

Some recommendations are only relevant to family members under the age of 18. These refer to **‘children and young people’**.

The person involved with the justice system is referred to variously as the **‘suspect’**, **‘accused’**, **‘person held in prison’**, **‘prisoner’**, or **‘convicted person’** as appropriate to each stage of the justice process.



Figure 2: Summary diagram of the Framework for the support of families affected by the Justice System



# 1. Families are included and engaged

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When a family member is involved in the justice system, it can be a confusing time for their families. When working with families, agencies must ensure family members:

- Are kept informed about what is happening and what to expect at each stage of the process;
- Know where to access this information and any additional support; and
- Are involved in any decisions that may involve or affect them.

## 1.1 Understanding the process

*Families understand what is happening at every stage of the justice process*

ALL STAGES		
1.1.1	The information provided to families is timely and accurate. Any changes to the circumstances of an accused/convicted person are promptly shared with family members as appropriate to the Data Protection Act and General Data Protection Requirements (GDPR).	<i>Police Scotland; Prisons; Defence Solicitors; Social Work</i>
1.1.2	Families are supported to understand the justice process and why decisions have been made. Information is: <ul style="list-style-type: none"> <li>• Available in all criminal and community justice locations and other locations where families may be;</li> <li>• Available in a range of formats including information booklets, websites, helplines, and through access to support workers; and</li> <li>• Presented in a way that is appropriate for the needs of individual family members, for example in a child-friendly format.</li> </ul>	<i>All</i>
1.1.3	Parents and carers are encouraged and supported to explain procedures, decisions and the truth of the situation to children in an age-appropriate manner.	<i>Police Scotland; Prisons; Family Support Agencies; Social Work; Education Agencies</i>
1.1.4	The accused/convicted person is supported to keep their family up to date personally with key developments in their situation if appropriate and if they wish to do so.	<i>Police Scotland; Prisons; Defence Solicitors; Social Work</i>
1.1.5	Families are easily able to find out about the wellbeing of their family member inside the justice system.	<i>Police Scotland; Prisons; Defence Solicitors; Social Work</i>
ARREST AND CHARGE		
1.1.6	Family members who were not present at an arrest are told what has happened as appropriate to the Data Protection Act / GDPR.	<i>Police Scotland</i>
1.1.7	Families are informed that they can provide a change of clothes, books, etc. to their family member being held in police custody.	<i>Police Scotland</i>
COURT AND SENTENCING		
1.1.8	Families are offered support to attend the trial of an accused if they wish to do so and where this is considered in their best interest. Consider: <ul style="list-style-type: none"> <li>• The nature of the offence and evidence being presented;</li> <li>• Whether the family member is a victim;</li> <li>• The age, maturity, and support needs of the family member;</li> <li>• The family member's views about attending the trial; and</li> <li>• If necessary, who will accompany the family member to the trial.</li> </ul>	<i>COPFS; Family Support Agencies; Social Work</i>
1.1.9	Sentencing decisions and their implications are explained to families, with information about support services offered.	<i>Defence solicitors; Social Work; SCTS</i>

<b>CUSTODY</b>		
1.1.10	Regular family induction sessions ensure families understand prison life. In particular families understand: <ul style="list-style-type: none"> <li>• How to speak to children about imprisonment;</li> <li>• How to find a prison or custodial facility;</li> <li>• The booking system and processes for visiting family members in prison or police cells;</li> <li>• Search procedures when visiting a family member;</li> <li>• The Integrated Case Management process;</li> <li>• Details about the prison environment such as the appearance of a cell; and</li> <li>• The likely financial implications of the imprisonment and how to address these.</li> </ul>	<i>Prisons</i>
1.1.11	Family members are encouraged and supported to attend family induction sessions.	<i>Prisons; Social Work</i>
1.1.12	Families are supported to understand how the decision about placement of a person held in prison has been made.	<i>Defence Solicitors; Social Work</i>
<b>COMMUNITY</b>		
1.1.13	Families understand the conditions imposed by non-custodial measures such as bail, electronic tagging, and Community Payback Orders, as relevant.	<i>Defence Solicitors; Social Work</i>
1.1.14	Families understand the conditions imposed by parole licence conditions.	<i>Social Work; Parole Board Scotland</i>

## 1.2 Aware of available support

*Families are aware of the full range of information/support available to them and how to access this*

ALL STAGES		
1.2.1	<p>Families have access to information on a range of issues including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Housing;</li> <li>• Benefits and finances;</li> <li>• Legal advice;</li> <li>• Health (physical and mental);</li> <li>• Drugs, substance misuse, and overdose prevention;</li> <li>• Childcare and advice for temporary carers; and</li> <li>• Speaking to children about imprisonment.</li> </ul>	All
1.2.2	<p>Information about support services for families is:</p> <ul style="list-style-type: none"> <li>• Accurate and up to date;</li> <li>• Available in a range of formats including information booklets, websites, helplines, and through access to support workers;</li> <li>• Easy to understand, jargon-free, and translated into other languages as necessary; and</li> <li>• Available in all criminal and community justice locations and other locations where families affected by the justice system may be.</li> </ul>	All
CUSTODY		
1.2.3	Families are aware of the UK Government's 'Help With Prison Visits' scheme, which can help cover costs associated with visiting a prison.	Prisons; Prison Visitor Centres; Family Support Agencies
1.2.4	Families are aware of information and support services specific to the families of people in the justice system including the Families Outside Support and Information Service and their local prison visitor centre.	Prisons; Prison Visitor Centres; Family Support Agencies
1.2.5	Prison visitor centres comply with the National Performance Framework for Prison Visitor Centres in Scotland, with signposting to specialist services.	Prison Visitor Centres
COMMUNITY		
1.2.6	Families are aware of their entitlement to voluntary throughcare services.	Criminal Justice Agencies; Social Work

### 1.3 Consulted at every stage

*Families are meaningfully involved in decisions that will affect them*

1.3.1	<p>Family members (and if appropriate, the accused / convicted person) are consulted and meaningfully involved in any decisions that will impact on the family as a whole or on individual family members. In particular, families are involved in decisions about:</p> <ul style="list-style-type: none"> <li>• Medication and health care of the family member involved with the justice system; and</li> <li>• Care arrangements for dependents.</li> </ul>	<p><i>Police Scotland; Prisons; Health Agencies; Social Work; All</i></p>	
1.3.2	<p>Children and young people are consulted and involved in decisions about alternative child care arrangements, with their preferences and opinions taken into account.</p>	<p><i>Social work</i></p>	
1.3.3	<p>Alternative and creative approaches are employed to ensure all family members can contribute meaningfully to decisions. For example, children and young people may be involved in key decisions through art, play, and group work.</p>	<p><i>Police Scotland; Prisons; Social Work; All</i></p>	
1.3.4	<p>Families feel their opinions are taken into account. Reasons why information provided by families could not be used is clearly communicated to the family.</p>	<p><i>Police Scotland; Prisons; Social Work; COPFS;</i></p>	
1.3.5	<p>Agencies have an accessible and approachable complaints system, and families are supported to access this if needed.</p>	<p><i>All</i></p>	
<b>COURT AND SENTENCING</b>			
1.3.6	<p>Where appropriate, families (including children and young people) are consulted regarding how a remand or sentencing decision may affect them.</p>	<p><i>Family Support Agencies; SCTS; COPFS; Defence Solicitors</i></p>	
<b>CUSTODY</b>			
1.3.7	<p>Families are involved in relevant case conferences and supported to understand the process. Involvement in case conferences is facilitated even when family members cannot or should not be physically present. For example, family members can make verbal or written submissions, can participate via video link, and can access minutes (redacted if necessary) as appropriate.</p>	<p><i>Prisons; Social Work</i></p>	
<b>COMMUNITY</b>			
1.3.8	<p>Families are meaningfully and voluntarily involved in the planning of a family member's release and resettlement.</p>	<p><i>Social Work; Health Agencies; Prisons; Parole Board Scotland</i></p>	
1.3.9	<p>Agencies work collaboratively with families to ensure a smooth transition from custody to the community.</p>	<p><i>Social Work; Health agencies; Prisons</i></p>	

## 2. Families are connected

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Contact with an accused or convicted person should always be the right of their family members where this is in their best interests. Agencies should work to support physical contact through visits and additional alternative contact.

## 2.1 Visiting and physical contact

*Positive family relationships are encouraged through physical access to the family member involved with the justice system*

ALL STAGES		
2.1.1	Meaningful contact with an accused or convicted family member is considered the right of the family, and is not restricted under disciplinary control processes unless directly relevant.	Police Scotland; Prisons; SCTS
COURT AND SENTENCING		
2.1.2	When a person receives a custodial sentence, family members have adequate opportunity to say goodbye in person unless this is not in their best interests.	Police Scotland; SCTS; Security Agencies
CUSTODY		
2.1.3	Families can visit shortly after the detention or imprisonment of an accused and/or convicted person.	Police Scotland; Prisons
2.1.4	Family members have access to the accused in pre-trial detention unless this is not in their best interests.	Police Scotland; Prisons
2.1.5	People in custody are placed in a prison as close to their home and family as possible, including for pre-trial detention, and for the duration of their sentence.	Police Scotland; Prisons
2.1.6	The best interests of the family inform where a person held in prison is placed. The impact of the following issues is considered: <ul style="list-style-type: none"> <li>• The accessibility of the prison;</li> <li>• The type of visits permitted; and</li> <li>• Whether there are family- and child-friendly facilities.</li> </ul>	Prisons
2.1.7	The visits booking system is clear and maximises the ease with which families can make bookings. As much as possible, the booking systems and procedures are consistent across the custodial estate.	Prisons
2.1.8	Visiting procedures are efficient to maximise the time families spend together during visits.	Prisons
2.1.9	Family members and people held in prison are aware of their full entitlement to visits.	Prisons
2.1.10	The visiting facilities are family- and child-friendly with adequate access to food and drink, toilets and baby change areas, supervised play areas for children, and facilities for older children.	
2.1.11	The visiting facilities are family- and child-friendly with adequate access to food and drink, toilets and baby change areas, supervised play areas for children, and facilities for older children.	Prisons; Prison Visitor Centres



2.1.12	<p>The visiting environment is family- and child-friendly with provision for interaction that will help to strengthen family relationships:</p> <ul style="list-style-type: none"> <li>• Physical contact within families is supported as appropriate;</li> <li>• Visits are of a sufficient duration;</li> <li>• Structured play and similar activities are offered to support and promote play and non-verbal interaction between children and the person held in prison;</li> <li>• Child-centred prison visits are regularly available and are arranged with the needs of children and young people in mind;</li> <li>• Visits are a right of the child rather than a tool for prison discipline;</li> <li>• Regular family events are arranged throughout the year, for example Children &amp; Family Days, sports days, homework clubs, and seasonal events;</li> <li>• Sufficient privacy is allowed for family members to talk privately. This includes somewhere for young children to go so adults may talk in private, and allowances for children, particularly adolescents, to talk privately with a person held in prison; and</li> <li>• There is provision for whole family visits as appropriate.</li> </ul>	<i>Prisons; Prison Visitor Centres</i>
2.1.13	<p>Visiting hours ensure it is convenient for families to visit a person held in prison. Visiting hours are:</p> <ul style="list-style-type: none"> <li>• Flexible;</li> <li>• Enable children and young people to visit without missing school;</li> <li>• Take account of local transport links; and</li> <li>• Take account of likely waiting times.</li> </ul>	<i>Prisons</i>
2.1.14	<p>Practical support is available to ensure it is possible and convenient for families to visit a person held in prison:</p> <ul style="list-style-type: none"> <li>• Public transport is available to help families reach the prison during visiting hours;</li> <li>• Where public transport is not an option, families are informed of other means of reaching the prison during visiting hours; and</li> <li>• Families can access financial assistance to cover the cost of travel to visits.</li> </ul>	<i>Prisons; Local Authorities; Family Support Agencies; Justice Agencies</i>
<b>COMMUNITY</b>		
2.1.15	<p>Services work together to ensure successful reuniting of families, where this is in their best interests.</p>	<i>Justice Agencies; Social Work; Prisons</i>
2.1.16	<p>Home Leave arrangements are maximised where appropriate to build or re-establish community and family links.</p>	<i>Prisons; Social Work</i>
2.1.17	<p>Families are supported to prepare for the release of their family member.</p>	<i>Family Support Agencies; Social Work; Health Agencies; Prisons; Parole Board Scotland</i>

## 2.2 Indirect contact

*Positive family relationships are encouraged through various methods of communication*

ALL STAGES		
2.2.1	<p>In addition to visits, and throughout the family member's involvement with the justice system, agencies provide practical support to facilitate family communication. This may include:</p> <ul style="list-style-type: none"> <li>• Support to access a phone line or internet connection;</li> <li>• Financial support to cover the cost of phone calls or internet costs; and</li> <li>• Support to read and write letters and emails.</li> </ul>	<i>Police Scotland; Prisons; Social Work; Education Agencies; Local Authorities</i>
CUSTODY		
2.2.2	Where visits are not possible, family contact is supported via other means of communication as soon as possible after arrest.	<i>Prisons; Police Scotland</i>
2.2.3	Where it is not possible for family to visit an accused pre-trial or to say goodbye in person post-trial, family contact is supported via other means of communication.	<i>Prisons; SCTS</i>
2.2.4	People in prison are supported to read and write letters and emails to their family.	<i>Prisons; Family Support Agencies</i>
2.2.5	<p>Prisoners' access to telephones supports regular and meaningful family contact.</p> <ul style="list-style-type: none"> <li>• There are enough telephones in the custodial facility to ensure there is a mobile or telephone device in every cell as well as access to hall phones.</li> <li>• The timing of phone calls is flexible, taking into account school and working hours, children's bed times, and different time zones as appropriate; and</li> <li>• The duration of phone calls is not unduly restrictive, taking into account the number and age of family members who may wish to speak to the person held in prison.</li> </ul>	<i>Prisons</i>
2.2.6	The cost of phone calls does not prohibit people held in prison from contacting their family. People in prison can access financial support to cover costs, in particular when family is unable to visit or in the case of long-distance phone calls.	<i>Prisons</i>
2.2.7	Where a family is unable to visit regularly, additional alternative contact is supported, for example additional telephone access, emails, or 'virtual visits' (video conferencing / internet visits).	<i>Prisons</i>
2.2.8	Schools encourage ongoing contact between children and young people, and the person in prison by sharing copies of work, photos, or other key documents about the child or young person's school life.	<i>Education Agencies</i>
2.2.9	A number of options are provided and support to allow families to hand in money and goods. This could be in person, a cheque, postal order, or through the Electronic Payment System to carry out an electronic transfer.	<i>Prisons</i>

# 3. Families are safe and well

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By considering the rights and needs of families in all their work, agencies are able to ensure that their practices, even those not directly related to families, will not cause or will minimise any physical or emotional harm to families. In addition, agencies should offer support services specifically designed to enhance the wellbeing and future life chances of family members.

### 3.1 Preventing harm

*Agency practices are not detrimental to the physical safety and emotional wellbeing of families*

ALL STAGES		
3.1.1	The existence of dependents and potential impact upon them should be assessed and supported at every stage of the justice process.	All
3.1.2	All staff working directly with families receive appropriate disclosure checks.	All
3.1.3	Out of hours provision is available for emergency child protection orders.	Police Scotland; Social Work
3.1.4	Families receive information about and financial support for kinship care arrangements.	Social Work
ARREST AND CHARGE		
3.1.5	Police should avoid making arrests in the presence of family members if at all possible.	Police Scotland
3.1.6	Where family members are present, arrests are conducted with consideration for the best interests of these family members.	Police Scotland
3.1.7	A dedicated member of staff has responsibility for children or other vulnerable people present at the arrest.	Police Scotland
3.1.8	The care and immediate needs of children or other vulnerable dependents are identified and met as part of the arrest process or as early as practical thereafter.	Police Scotland; Social Work
COURT AND SENTENCING		
3.1.9	Where a custodial measure is to be imposed on someone with caring responsibilities, early action is taken to ensure the safety of dependents.	Social Work
CUSTODY		
3.1.10	People held in prison are supported to resolve urgent family or childcare issues on reception.	Police Scotland; Prisons
3.1.11	Search procedures are conducted in an age-appropriate manner and are designed so as not to frighten family members, particularly children and young people. Families are not deterred from visiting by search procedures.	Prisons
3.1.12	Details for the Next of Kin are updated regularly, including permissions for contact in the event of serious illness.	Prisons
COMMUNITY		
3.1.13	<p>Community-based sentences take account of a convicted person's caring responsibilities and the best interests of family members:</p> <ul style="list-style-type: none"> <li>• Reporting requirements uphold the dignity of family members and respect their right to privacy;</li> <li>• Reporting requirements and conditions take account of, and do not negatively affect, a person's caring responsibilities; and</li> <li>• People with convictions can access expenses to cover childcare to enable them to meet conditions of community-based orders.</li> </ul>	Social Work; Justice Agencies

## 3.2 Supporting wellbeing and positive outcomes

*Agencies offer services to support emotional wellbeing and positive life outcomes for families affected by the justice system*

ALL STAGES		
3.2.1	<p>Families can access emotional and psychological support as required. Support should:</p> <ul style="list-style-type: none"> <li>• Be non-stigmatising;</li> <li>• Help families feel more confident and in control of their situation;</li> <li>• Help families deal with feelings of stigma and shame; and</li> <li>• Be available for as long as families feel they need it.</li> </ul>	<i>Family Support Agencies; Justice Agencies; Health Agencies; Education Agencies; Prisons; Prison Visitor Centres; Social Work.</i>
3.2.2	<i>Getting it Right for Every Child</i> is used to support the wellbeing of children affected by the justice system.	<i>All</i>
3.2.3	School policies and practices support and promote the wellbeing of children affected by the justice system. This will include effective anti-bullying policies, promotion of child-appropriate helplines, and support from school guidance teachers.	<i>Education Agencies</i>
3.2.4	Families, including the person held in prison, have access to support and learning about parenting, child development, and life and relationship skills as required.	<i>Family Support Agencies; Prisons; Social Work</i>
3.2.5	Family members and the person involved with the justice system can access the same learning programmes where appropriate and beneficial.	<i>Family Support Agencies; Prisons; Social Work</i>
ARREST AND CHARGE		
3.2.6	Family members who have witnessed an arrest can access necessary support.	<i>Police Scotland; Social work</i>
COURT AND SENTENCING		
3.2.7	People known to be at risk of custodial remand or sentence are informed so they can prepare accordingly, e.g. for care arrangements.	<i>COPFS; Defence Solicitors</i>
3.2.8	Where a custodial measure may be imposed on someone with caring responsibilities, the potential impact of this is identified and plans put in place to prevent and mitigate harm.	<i>Social Work; Family Support Agencies</i>

<b>CUSTODY</b>		
3.2.9	Caring responsibilities are identified, recorded, and (with consent) shared with appropriate support services when a person enters prison.	<i>Prisons; Social Work; Family Support Agencies</i>
3.2.10	Support for families is considerate of the emotional and physical reactions related to the loss of a family member to imprisonment.	<i>Prisons; Social Work; Prison Visitor Centres; Family Support Agencies</i>
3.2.11	Families can access additional support during visits if required. In particular, families are supported before, during, and after their first visit.	<i>Prison Visitor Centres; Prisons; Family Support Agencies</i>
3.2.12	People held in prison are kept informed about the situation and wellbeing of their family members and are supported to help manage family concerns as appropriate.	<i>Prisons</i>
3.2.13	The ways in which an imprisoned parent or carer can exercise caring responsibilities are made clear to the family.	<i>Prisons; Prison Visitor Centres</i>
<b>COMMUNITY</b>		
3.2.14	Community integration plans take account of, and provide support for, family issues.	<i>Prisons; Health Agencies</i>
3.2.15	Families can access programmes and services that extend family contact and increase family involvement in preparation for release.	<i>Prisons; Prison Visitor Centres; Family Support Agencies</i>

# 4. Informed practice

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For families to receive the best possible support, agency practices must be informed by appropriate knowledge and information about families affected by the justice system.

- Training programmes provide staff with a good understanding of families' potential needs and issues and how to address these sensitively.
- Consistent good practice with families is supported by policy and guidance that makes explicit reference to the needs of families.
- Procedures are in place to ensure staff are able to identify affected family members and their particular needs.
- Procedures are in place to support good multi-agency working in the support of families.
- By considering the rights and needs of families in all their work, agencies are able to ensure that their practices, even those not directly related to families, will not cause or will minimise any physical or emotional harm to families. In addition, agencies should offer support services specifically designed to enhance the wellbeing and future life chances of family members.

## 4.1 Training and accreditation

*Staff have received appropriate training and qualifications*

<div> <span></span> ALL STAGES </div>		
4.1.1	All staff directly or indirectly involved in the support of families affected by the justice system have received appropriate training and qualifications.	All
4.1.2	<p>Staff training programmes raise awareness of:</p> <ul style="list-style-type: none"> <li>• The particular needs and key issues faced by families affected by the justice system;</li> <li>• Recognising and addressing risk of harm within families;</li> <li>• The potential impact on families of decisions made at each stage of the justice process;</li> <li>• The positive outcomes associated with maintaining positive family contact;</li> <li>• The human and civil rights of children and families in the context of the justice system;</li> <li>• <i>Getting it Right for Every Child</i> and its application in the context of the justice system including the United Nations Convention on the Rights of the Child;</li> <li>• Equality and diversity issues and promoting equality and diversity in the context of the justice system;</li> <li>• The application of the Data Protection Act and General Data Protection Requirements (GDPR) in the context of supporting families affected by the justice system;</li> <li>• Current legislation and legislative changes relevant to the support of families;</li> <li>• Good practice examples of supporting families in various justice and community settings; and</li> <li>• The roles and responsibilities of all criminal justice and community agencies in the support of families affected by the justice system.</li> </ul>	All
4.1.3	<p>Staff training programmes provide practical learning on:</p> <ul style="list-style-type: none"> <li>• How to improve families' experience of the justice system;</li> <li>• How to conduct necessary procedures with consideration for the rights and best interests of family members;</li> <li>• Child and adult protection measures;</li> <li>• Trauma-informed practice; and</li> <li>• Multi-agency working.</li> </ul>	All
4.1.4	Child protection training highlights the particular needs of children who have a key relationship with a person involved in the justice system.	All
4.1.5	Those delivering training or programmes are themselves appropriately accredited and trained.	All



## 4.2 Policy and practice guidance

*Agency policies and practice guidance recognise and support the rights and needs of families*

<p>■ ALL STAGES</p>		
4.2.1	<p>Clear guidance exists outlining how agencies will work with families. This guidance will:</p> <ul style="list-style-type: none"> <li>• Make explicit reference to the rights, needs, and best interests of families;</li> <li>• Encourage partnership working between agencies and across sectors;</li> <li>• Support the identification and support of family members at the earliest opportunity; and</li> <li>• Address the requirements for all members within a family to be protected from harm and abuse.</li> </ul>	All
4.2.2	Child Rights & Wellbeing Impact Assessments are used to inform the development and review of any policy, facility, service, or practice relating to people involved with the justice system.	All
4.2.3	GIRFEC is used to inform the development and review of any policy, facility, service, or practice relating to people involved with the justice system.	All
4.2.4	The views of families are sought and meaningfully considered in the development and review of any facilities, services, or practices that may have an impact on them.	All
4.2.5	Family members are supported to share their views on policy and practice in a manner appropriate to their age and needs.	All
4.2.6	Guidance relating to Looked After Children makes explicit reference to children who have a key relationship with a person involved in the justice system.	All
4.2.7	Agencies have a proactive child protection policy that acknowledges the particular issues and needs of children who have a key relationship with someone involved in the justice system.	All
4.2.8	Policy and practice is subject to regular internal monitoring and external evaluation processes that are designed to identify gaps in the support for families and to ensure the rights and needs of families are adequately considered.	All
4.2.9	The allocation of resources to and within agencies is informed by the rights and needs of the families affected by the justice system.	Local Authorities; CPPs
<p>ARREST AND CHARGE</p>		
4.2.10	Guidance exists outlining how to support family members during and after an arrest. In particular, guidance highlights how to support children or other vulnerable people present at an arrest.	Police Scotland; Family Support Agencies; Social Work
<p>CUSTODY</p>		
4.2.11	Visiting procedures are regularly reviewed by collecting the views, suggestions, and satisfaction ratings of family members.	Prisons; Prison Visitor Centres

## 4.3 Understanding need and impact

*Agencies have procedures to identify the support needs of individual families and the potential impact of all decisions on family members*

<p>■ ALL STAGES</p>		
4.3.1	<p>Procedures support the systematic collection of information about family members, and the verification of this information. Information collected should include:</p> <ul style="list-style-type: none"> <li>• Identification of family members and key relationships; and</li> <li>• Key issues within these relationships for example existing stresses, substance use, abuse, or other family difficulties.</li> </ul>	<p><i>Police Scotland; Prisons; Social Work; Local Authorities; Defence Solicitors</i></p>
4.3.2	Information about family members is collected as soon as possible	<p><i>[As 4.3.1]</i></p>
4.3.3	<p>Accused persons or people held in prison are encouraged and supported to provide sufficient information about their family situation, particularly regarding the existence of children. Agencies support accused persons or people in prison to understand how this information will be used.</p>	<p><i>Police Scotland; Prisons; Social Work; Defence Solicitors</i></p>
4.3.4	<p>All key decisions regarding a person accused or convicted should consider the potential immediate and future impact on family members, including:</p> <ul style="list-style-type: none"> <li>• Financial impact, including impact on income and benefits;</li> <li>• Emotional impact; and</li> <li>• Impact on practicalities such as housing, medical care, and dependents.</li> </ul>	<p><i>Police Scotland; Prisons; COPFS; Social Work</i></p>
4.3.5	<p>The potential impact of a decision on family members is informed by consideration of:</p> <ul style="list-style-type: none"> <li>• Whether the accused/convicted person has dependents or caring responsibilities;</li> <li>• Whether the accused/convicted person is a sole or primary carer;</li> <li>• The age, level of maturity, and developmental needs of individual family members; and</li> <li>• The best interests of individual family members.</li> </ul>	<p><i>Police Scotland; Prisons; COPFS; Social Work</i></p>
4.3.6	<p>Child &amp; Family Impact Assessments are used to identify the potential impact of every key decision on family members. These are conducted regardless of whether this information will have a bearing on decisions relating to the accused/convicted person.</p>	<p><i>Police Scotland; Prisons; COPFS; SCTS; Local Authorities; Social Work</i></p>
<p>ARREST AND CHARGE</p>		
4.3.7	<p>Prior to a planned arrest, agencies are aware of any dependents and whether family members may be present at the arrest, avoiding arrest in the presence of children and other family members wherever possible.</p>	<p><i>Police Scotland; Social Work</i></p>
<p>COURT AND SENTENCING</p>		
4.3.8	<p>Agencies ensure sentencers are provided with accurate information about an accused person's family situation and the potential impact of sentencing and bail decisions on family members.</p>	<p><i>Social Work; Defence Solicitors; Police Scotland</i></p>
4.3.9	<p>Provision is made to ensure a family member's needs are identified and supported in their own right, regardless of any potential bearing on a remand or sentencing decision.</p>	<p><i>Social Work; Defence Solicitors</i></p>

## 4.4 Information sharing

*Protocols and organisational culture support the appropriate and timely sharing of information between agencies and with families*

ALL STAGES		
4.4.1	Agencies have clear protocols for sharing information and changes to information about families affected by the justice system.	All
4.4.2	Agencies have clear protocols for referring families to other agencies.	All
4.4.3	Agencies respect a family's right to privacy and seek consent to share personal information with other agencies.	All
4.4.4	Protocols are clear about the situations in which a family's permission to share information is not required, for example in the detection or prevention of crime, or where there are child and adult protection issues.	All
4.4.5	When seeking permission from an accused/convicted person or their families to share information, agencies provide all the information necessary to make an informed decision.	All
4.4.6	It is clear who has responsibility for informing family members of key decisions and information.	All
4.4.7	Local partnerships and protocols ensure that families can access timely and accurate advice, support, and signposting to specialist services.	All

## Useful Resources

### Supporting Document and Self-Assessment for Framework

Available on the Families Outside website.

### Websites

Families Outside website

[www.familiesoutside.org.uk](http://www.familiesoutside.org.uk)

Barnardo's

[www.nicco.org.uk](http://www.nicco.org.uk)

information hub for professionals working with children of offenders

### Training videos

800,000 Voices

<https://vimeo.com/128154625>

It's No Holiday (subtitled)

<https://vimeo.com/70948115>

My Diary

<https://vimeo.com/184659022>

Reversible Thinking

<http://vimeo.com/71246866>

Not My Crime, Still No My Sentence

<http://childrenofprisoners.eu/videos/its-time-to-act/>

Child Rights Video

<https://vimeo.com/149654708>

Ollie's Story: Impact of arrest

<https://www.prisonadvice.org.uk/ollies-story>