



# Submission on the Department for Correctional Services next Women's Framework and Action Plan

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## Introduction

As South Australia's Commissioner for Children and Young People, my role is to advocate at a systemic level for the rights, interests and wellbeing of all children and young people in South Australia.

I welcome the opportunity to inform the development of the Department for Correctional Services (DCS) new Women's Framework and Action Plan.

I commend DCS on several recent initiatives that recognise the parenting status of women in South Australia's prisons, including the Mothers Matter program and infrastructure changes to make visiting spaces more family friendly.

While these are important steps with positive outcomes for children, the Women's Framework and Action Plan is an opportunity to drive further change at a systemic level to consider children's rights and improve the support provided to children with a parent or primary carer in prison.

## Summary of recommendations

As you are aware, my 2022 [Join the Dots](#) report is based on my engagement with children and young people impacted by parental incarceration and incarcerated parents across South Australia. This included two camps and two focus groups with young people, a family fun day, eight focus groups with incarcerated parents, and one joint session with incarcerated mothers and their children.

Children and young people with incarcerated parents are often the innocent and invisible victims of the adult justice system. They are impacted by many agencies and departments that are not systematically identifying, understanding or responding to their rights and experiences.

Drawing on direct insights from children, young people and incarcerated mothers, I recommend that:

- 1. The Department for Correctional Services prioritise child- and family-focused actions in the next Women's Framework and Action Plan, with particular regard to:**
  - a) Embedding consideration of children's rights and best interests in decisions, policies and procedures.**
  - b) Providing dedicated information and support for children and young people.**
  - c) Promoting meaningful family connections, with a focus on visits and prison environments, training for staff, and parenting programs.**

The Consultation Paper notes that the number of incarcerated women in South Australia is the highest it has been over the last decade, and that most women in the correctional system have at least one child.<sup>i</sup> Yet information that is collected about this group of children is not consistently used to inform the provision of appropriate and timely support.

Data should be collected, shared, and monitored over time in a way that ensures children and families are heard, builds trust and facilitates access to dedicated and specialised support. The Women's Framework and Action Plan is an opportunity to address this, in line with recommendations from the United Nations Committee on the Rights of the Child.<sup>ii</sup>

I encourage you to revisit the *Join the Dots* report alongside this submission and the feedback I have provided as a member of the Strategic Ministerial Advisory Group. Recent parliamentary inquiries into children affected by parental incarceration in New South Wales and Victoria may also provide useful insights to inform child-focused and rights-based policy actions.<sup>iii</sup>

I welcome the broader policy direction of DCS to 'create downward pressure on the incarceration rates of women'. Reducing rising incarceration rates must be a priority in order to mitigate the impacts of many issues raised throughout this submission and my *Join the Dots* report. To this end, the Women's Framework and Action Plan should focus on coordinating efforts across DCS and other relevant government and non-government agencies to:

- Enable the use of non-custodial sentencing options.
- Provide early intervention and diversionary programs to address disadvantage and prevent contact with the criminal justice system.
- Improve access to integrated social services that support children, vulnerable pregnant women and mothers, with a focus on housing, education, transport and employment, and particularly in the context of pre-release planning and support.
- Link prison and community-based government and non-government services in ways that support women and children.

Thank you again for the opportunity to provide a submission. If you would like to discuss anything further, please do not hesitate to contact my office.

Yours sincerely



**Helen Connolly**

Commissioner for Children and Young People

**1. The Department for Correctional Services prioritise child- and family-focused actions in the next Women’s Framework and Action Plan, with particular regard to:**

**a) Embedding consideration of children’s rights and best interests in decisions, policies and procedures.**

The incarceration of a parent has significant impacts on children and young people’s lives and rights as set out in the United Nations Convention on the Rights of the Child (the UNCRC). Yet children and young people’s views and experiences are often only considered as an afterthought, if at all, in decision making and policymaking across the justice and corrections system.

Children’s rights and best interests should be considered in decisions, policies and procedures related to prison visits and environments, the rotation of prisoners between settings, parole conditions, pre-release planning and post-release supports. This should also extend to decisions related to arrest and sentencing, which is beyond the responsibility of DCS alone and will require leadership and collaboration across the justice and correctional system.

The next Women’s Framework and Action Plan should be underpinned by human rights principles, with particular consideration to the UNCRC and children’s rights to:

- know their parent and as far as possible to be cared for by them (Article 7)
- maintain contact with a separated parent, unless this is contrary to the child’s best interests (Article 9)
- have their views taken into account in all decisions affecting them (Article 12)
- the best possible standard of health, education, social and economic participation and connection with community
- receive special protection and assistance from the state when they are deprived of a family environment (Article 20)
- be safe from discrimination (Article 2)
- privacy and freedom from attacks against their family life, home or reputation (Article 16)
- seek and receive information (Article 13).

A rights-based framework should also explicitly refer to the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the ‘Bangkok’ Rules), and Standard Minimum Rules for the Treatment of Prisoners (the ‘Nelson Mandela Rules’).

Increasing the visibility of children’s rights at the earliest possible stage of a parent’s contact with the justice system is essential in order to plan for and mitigate the impacts of incarceration on children. This also requires meaningful engagement with children and young people, as well as with their parents and families, to ensure they have a say in the design and delivery of the systems and services that impact them.

“No one listens to you because you’re so young.”

“No one was helpful – but they could have been.”

“No money, can’t go out with friends – lose contact.”

Very important to know stuff. Lots of secrets in the family – ruining family, accidentally sharing info think others know, drama, arguments – siblings knowing more than each other.”

### **b) Providing dedicated information and support for children and young people.**

There is currently a lack of dedicated information and support for children and young people with incarcerated parents in South Australia.

The Women’s Framework and Action Plan is an opportunity for DCS to address this gap and develop child- and youth-friendly resources that respond to children and young people’s key concerns and improve access to timely and ongoing support. Such resources should provide age-appropriate information about:

- how, when and why decisions are made, including the potential impacts of these decisions, and adequate explanations for when decisions change
- what support is available and how to access it, including support for themselves and for others ‘on the outside’
- where their mother is, and what life is like for their mother
- what to expect regarding contact with their incarcerated mother, including prison visits, transport options, and telephone calls or other communication options.

The National Information Centre on Children of Offenders in the United Kingdom provides a directory of resources that could help guide this work in South Australia, including resources developed with direct input from children and young people.

“That’s the problem at the time – you don’t know who can help.”

“I can’t get help if I can’t understand it myself.”

“What you see on TV is different.”

“See their house. How they live. What they do there. Routine. See how they keep their room. If visits were adjusted, I’d be able to have a closer relationship with my mum. Being able to ring my mum or request to call her.”

Many children and young people described how ‘everything changes’ when a parent goes to prison, including where they may live, how much money they have, and how much they eat, sleep or participate in education or social and extracurricular activities. While each child and young person’s experiences are unique, they often feel isolated and punished as they deal with stigma and the emotional, educational, social and financial impacts of parental incarceration.

Children and young people want to be heard and understood, and to know they have someone who will talk to them, who they can trust and support them to feel less scared and alone. They want to be connected to others, including those who have been through a similar experience, as part of a ‘network that would reach out as soon as a parent/guardian gets locked up’, if not earlier.

Early access to information and support has short-term and lasting benefits and can be a protective factor in preventing intergenerational offending. Recent studies suggest that the immediate impact of parental incarceration can be minimised when children know where they will be living, have a supportive carer, and are aware of their mother’s location, including when they can visit.<sup>iv</sup>

Many children and young people reported being told to keep their circumstances secret, and some children described that they have learnt ‘not to trust people’ as a result of their experiences with law enforcement and government services. This requires policy consideration insofar as it impacts children and young people’s ability to seek and receive support.

To address these issues, the new Women’s Framework and Action Plan should include plans to work with other government departments, including the Department of Human Services, Department for Education and Department for Child Protection, to prioritise the provision of support to children of prisoners. This includes:

- Access to specialised counselling at the time of their parent’s incarceration, and ongoing support via mentoring and peer support programs.
- Dedicated staff at each prison whose focus is on supporting children and supporting mothers.
- Financial support and transport assistance to support children to maintain engagement with their education, maintain social connections, to visit and maintain contact with their parent (including having times to contact outside of school hours), and to participate in sport and other activities.
- Programs and services to strengthen cultural and community connections for Aboriginal children.
- Programs and services linking students with mentors and support at school, similar to the Rise Mentoring Program for primary school children interstate.<sup>v</sup>
- Training for frontline workers across DCS and the Department for Child Protection to better understand child development, children and young people’s experiences, and the importance of maintaining family connections.

- Dedicated support for carers, including the many grandparents who become the primary carers for children of incarcerated parents without any access to support services or resourcing.

“Kept self safe by not telling judgmental people.”

“It takes a long time for me to open up to people. Even talking to counsellors is difficult.”

“Put food in your mouth but bland, lose appetite eg. instances when did not eat for a week – feel constantly sick.”

“Others your age don’t understand.”

“Coming to realisation they’re not coming home – go from kissing them good night every night to I’m not going to see you maybe once a week if you’re lucky.”

### **c) Promoting meaningful family connections, with a focus on visits and prison environments, training for staff, and parenting programs.**

Maintaining meaningful contact with their incarcerated parent is one of the most important yet also one of the most challenging things for children and young people with incarcerated parents.

Both children and parents identified changes to policies and processes that would improve their experience of visits. The best contact for children occurs when prisons feel less like a prison, and when there is buy-in from frontline staff, as well as from prisoners, children and other family members.<sup>vi</sup>

The next Women’s Framework and Action Plan should prioritise actions that promote meaningful family connections and ensure visits are more focused on the needs and best interests of children, with particular regard to:

- the timing, flexibility, frequency and length of visits.
- providing opportunities for genuine connection, play and relaxation, and a range of activities for children and mothers to do together, including ‘homework clubs’, everyday activities and celebrations of special occasions or milestones.
- access to dedicated support staff as a trusted source of information and support before, during and after visits.
- child-friendly, youth-friendly and family-friendly physical environments, including access to toilets, privacy, food and drinks, spaces for play and relaxation, and purpose-built spaces providing activities, invisit programs and support for children

of all ages and families before and after prison visits, similar to Drop-In Family Centres run by SHINE for Kids interstate.

- support and training for prison staff to understand the importance of parent-child contact and adopt child-friendly practices to make children feel welcome.
- ensuring cost is not a barrier to phone calls or postage and increasing access to devices and the quality of phone connections.
- addressing particular challenges for children and young people in care, including support for Department for Child Protection staff to communicate better with children and understand the importance of children maintaining a relationship with their incarcerated mother.

Policies that encourage parent-child contact lead to better health and wellbeing outcomes for both the incarcerated parent and their children and families.<sup>vii</sup> Beyond the period of incarceration, positive family contact has also been found to prevent re-offending and result in an overall better transition from prison back into the community, particularly alongside housing support, financial support, education support and support to find employment.<sup>viii</sup>

“The hardest thing in my life is not going to see mum in jail.”

“Having parents in prison is hard enough as it is and guards being rude and disrespectful makes it worse and makes us feel like shit.”

“Why should we suffer?”

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

“Being able to go to the toilet during visit. Activities/board games. Being able to give mum stuff during visit (just as long as it’s okay to).”

“Not getting told off for hugging your parent too long or [prison staff] cutting visits short.”

It is promising that the Mothers Matter parenting program is now being regularly delivered in Adelaide Women’s Prison (AWP), and that there has been a focus on improving family friendly infrastructure at AWP. The next Women’s Framework and Action Plan should seek to provide more consistent opportunities and parenting support programs to all women across the system, including in the Pre-Release Centre.

Incarcerated mothers highlighted the importance of parenting support and contact with their children, both in terms of their child’s wellbeing and outcomes, but also their own motivation to ‘do something different’, engage in rehabilitation, have hope, and live happy, healthy and successful lives in the community. Mothers want more support to:

- communicate with their children and be more positively involved in their child's life, including through engagement with DCP, the Department for Education and other relevant organisations.
- rebuild and navigate family relationships, particularly on release.
- have realistic parole conditions that support them to prioritise their children's needs and expectations.

<sup>i</sup> Government of South Australia, Department for Correctional Services, *Consultation Paper: The next steps in strategy & action for women*, [https://www.corrections.sa.gov.au/\\_data/assets/pdf\\_file/0006/991500/WAP-2019-2024-Consultation-Paper.pdf](https://www.corrections.sa.gov.au/_data/assets/pdf_file/0006/991500/WAP-2019-2024-Consultation-Paper.pdf), p 5-6.

<sup>ii</sup> United Nations Committee on the Rights of the Child, Report and Recommendations of the Day of General Discussion on Children of incarcerated Parents, 30 September 2011, <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRC/Discussions/2011/DGD2011ReportAndRecommendations.pdf>.

<sup>iii</sup> Parliament of New South Wales, Committee on Children and Young People Report 4/57, *Support for children of imprisoned parents in New South Wales*, June 2022, <https://www.parliament.nsw.gov.au/ladocs/inquiries/2572/Committee%20on%20Children%20and%20Young%20People%20-%20Support%20for%20children%20of%20imprisoned%20parents%20in%20NSW.pdf>; Parliament of Victoria, Legislative Council Legal and Social Issues Committee, *Inquiry into children affected by parental incarceration*, August 2022, [https://www.parliament.vic.gov.au/498b38/contentassets/c5301ed866b64611a2a6f4979865e991/lcls-ic-59-11\\_children-affected-by-parental-incarceration.pdf](https://www.parliament.vic.gov.au/498b38/contentassets/c5301ed866b64611a2a6f4979865e991/lcls-ic-59-11_children-affected-by-parental-incarceration.pdf).

<sup>iv</sup> Catherine Flynn, 'Mothers Facing Imprisonment: Arranging Care for Their Adolescent Children,' *Women & Criminal Justice*, 23 (2013), <https://www.tandfonline.com/doi/abs/10.1080/08974454.2013.743372>, pp 43-62.

<sup>v</sup> SHINE for Kids, Rise Mentoring for primary school children with a parent in custody, [https://shineforkids.org.au/wp-content/uploads/2023/08/0025\\_SHINE\\_FLYER-RISE.pdf](https://shineforkids.org.au/wp-content/uploads/2023/08/0025_SHINE_FLYER-RISE.pdf).

<sup>vi</sup> Bryce Peterson et al, *Model Practices for Parents in Prisons and Jails: Reducing Barriers for Families while Maximising Safety and Security*, 2019, [https://www.urban.org/sites/default/files/publication/100531/model\\_practices\\_for\\_parents\\_in\\_prisons\\_and\\_jails\\_0.pdf](https://www.urban.org/sites/default/files/publication/100531/model_practices_for_parents_in_prisons_and_jails_0.pdf).

<sup>vii</sup> Karen De Claire and Louise Dixon, 'The Effects of Prison Visits from Family Members on Prisoners' Well-Being, Prison Rule Breaking, and Recidivism: A Review of Research since 1991,' *Trauma, Violence, & Abuse* 18 (2017), pp. 185-99, <https://journals.sagepub.com/doi/abs/10.1177/1524838015603209>.

<sup>viii</sup> Troy McPherson et al., 'The feasibility, appropriateness, meaningfulness, and effectiveness of parenting and family support programs delivered in the criminal justice system: a systematic review,' *Journal of Child and Family Studies*, 27 (2018), pp 1732-47.