



## Inquiry into support for children of imprisoned parents in New South Wales

### Supplementary questions

#### **Question 1:**

**Can you update the Committee on the implementation of the recommendations [accepted by the NSW Government](#) from the 1997 Legislative Council committee inquiry into Children of Imprisoned Parents?**

The recommendations from the 1997 inquiry have assisted the Department of Communities and Justice (DCJ) to develop and enhance policies, practices and procedures in the areas of child protection, out of home care, housing, youth justice, and the criminal justice system as a whole as they intersect with parents who are incarcerated.

#### **Question 2:**

**How could data collection and information sharing mechanisms be improved, to better support the inter-departmental or inter-agency work required to support children of imprisoned parents?**

**a. What data relating to children of imprisoned parents is currently contained within the Their Futures Matter dataset?**

The Human Services Dataset (HSDS) includes all individuals born on or after 1 January 1990 who have received a service from at least one of the NSW services included in the HSDS, as well as their parents, other family members, guardians or carers. Data is available up to 30 June 2020, and provides comprehensive coverage of service streams, outcomes and life events including child protection, justice, housing, health/mental health, education, alcohol and other drugs, welfare, income and taxation, and Census data. Information is available on parental risk indicators including parent in custody, parent interaction with the justice system, proven domestic violence related offence or victim of domestic violence, proven alcohol and other drugs related offence or hospital admission and treatment for mental health in NSW hospital or ambulatory services. Specifically the HSDS includes information on custody episodes, court finalisations, cautions, community supervision, and youth conferences. Child protection reports data includes 'carer in prison' as a primary or secondary issue for reporting.

**b. What privacy and ethical considerations need to be accounted for if more data on children of imprisoned parents is to be shared between relevant agencies?**

Privacy and ethics are key considerations in sharing information about individuals. DCJ can only share data in line with the *Privacy and Personal Information Protection Act 1998* (PPIPA) and the *Health Records and Information Privacy Act 2002* (HRIPA) which impose obligations relating to the collection, storage, access, use and disclosure of personal information held by NSW public sector

agencies. Section 27B of the PPIPA provides an exemption from compliance with a number of Information Privacy Principles in certain circumstances. Modification to the Information Privacy Principles and Health Privacy Principles to facilitate the sharing of information can also be sought through Public Interest Directions or Codes of practice.

**Question 3:**

**How many prison-based Child Protection Officers (CPOs) are currently employed by CSNSW?**

The co-located child protection caseworkers are employed by DCJ. There are eight co-located caseworkers in total.

**a. In which correctional facilities are they based?**

- Five are allocated across three metro Correctional Centres including: Silverwater Women's Correctional Centre, Emu Plains Correctional Centre and Dillwynia Correctional Centre.
- One is allocated to Wellington Correctional Centre.
- One is allocated to Mid-North Coast Correctional Centre.
- One is allocated to Clarence Correctional Centre.

**b. What factors do you consider when selecting the staff to be prison-based Child Protection Officers, in order to effectively support children of imprisoned parents?**

All co-located caseworkers are initially employed as generalist caseworkers. At the commencement of their employment with DCJ, all generalist caseworkers complete the Caseworker Development Program (CDP). CDP is a 17 week blended learning program including e-learn modules, workplace activities, face-to-face workshops and marked assessment tasks.

With 38 e-learn courses and four workshops (totalling 20 days), the CDP covers an extensive range of learning topics that build knowledge, insights and skills. Many of these are highly relevant to working to support children of imprisoned parents.

The expression of interest (EOI) for caseworkers to fill prison-based child protection caseworkers roles sought applications from experienced child protection staff.

**c. Is any specialised training provided to these Child Protection Officers, to support them and the initiative?**

Child protection casework undertaken in a correctional centre is the same in the community. Staff are supported by their existing line managers, monthly meetings involving CSNSW and DCJ staff (at each location) which are chaired by the Principal Advisor, Women Offenders and there is also an overarching Steering Committee to oversee all operational and strategic aspects of the project.

Each child protection caseworker completes CSNSW online security awareness training and local centre security orientation before entering the correctional facility.

**d. Does DCJ intend to hire more CPOs to support children of imprisoned parents?**

An evaluation of the program is planned.

#### **Question 4:**

**Has the Department undertaken any cost-benefit analysis of 'justice reinvestment' projects or other early intervention strategies, particularly in relation to children of imprisoned parents?**

- a. Do you anticipate that justice reinvestment and other early intervention projects will be expanded in scope, across NSW?**

#### **Bourke Maranguka initiative**

The Government has provided support and funding to a range of justice reinvestment organisations and projects, including the Maranguka Justice Reinvestment Project and Just Reinvest NSW.

KPMG conducted an impact assessment of the Maranguka Justice Reinvestment Project in 2018, which is available online at <https://www.justreinvest.org.au/wp-content/uploads/2018/11/Maranguka-Justice-Reinvestment-Project-KPMG-Impact-Assessment-FINAL-REPORT.pdf>.

The Department of Communities and Justice continues to explore how justice reinvestment concepts can be applied in New South Wales. The Government supports the key principle underlying justice reinvestment, that holistic support for disadvantaged communities can reduce crime.

The Government is carefully considering the recommendations of the Special Commission of Inquiry into the Drug 'Ice', including a recommendation for the Government to support local, community-driven collective initiatives, including justice reinvestment initiatives.

#### **Beyond Barbed Wire (BBW)**

Barnardos Western NSW developed Beyond Barbed Wire (BBW), a program for women with children leaving the Wellington Correctional Centre. The BBW program is funded by the NSW Government and comprises a suite of evidence based programs and support services for women in custody and exiting custody. The program was piloted from June 2013 to September 2016, with key components of the program including parenting and relationship programs, parenting and child relationship programs, information and advocacy to appropriate support services and work place in the community while incarcerated. On release from the gaol, women are supported in their transition back to community with temporary accommodation, case management or liaison with case management services, mentoring support and linkages to education and employment.

An economic evaluation of the program by Western Research Institute WRI determined substantial cost benefit – a \$2.15 return on every \$1.00 invested in the program. There is a clear finding of the positive impacts on families ranging from finances, housing, social stigma and isolation and specific behavioural and emotional problems in children.

#### **Early intervention to keep young people out of the criminal justice system**

##### **Youth on Track**

Youth on Track is the NSW Government's flagship early intervention scheme that provides case management and behaviour and family interventions to young people who are at risk of long-term involvement in the criminal justice system. Youth on Track covers seven sites across NSW and expanded into the Riverina for three years from 1 July 2019.

The NSW Bureau of Crime Statistics and Research (BOCSAR) is undertaking a robust reoffending

evaluation of Youth on Track, using a randomised controlled trial to measure the effectiveness in reducing reoffending compared to a brief intervention. Preliminary results of the BOCSAR evaluation are showing positive outcomes, with Youth on Track participants less likely to enter custody and to have delayed contact with Police compared to Fast Track participants. Interim cost benefit analysis results also indicate that Youth on Track is expected to generate reasonable savings per participant.

BOCSAR will produce the final report by December 2021 along with a cost benefit analysis to inform future funding decisions.

#### **Question 5:**

**The Committee has heard that short sentences and remand can be particularly detrimental to children and the family unit.**

**a. Are you aware of any research that describes the impact that short-term sentencing and remand can have on children with parents in custody?**

There has been substantial research on both (i) the effects of short prison sentences on offenders and (ii) the impact of imprisonment on the children of inmate parents generally. However, there has been relatively little research conducted specifically on the impact of short prison sentences, or short periods in custody, on the children of inmate parents.

Through searches of academic databases, DCJ was able to identify the following relevant UK studies

1. Lucy Baldwin and Rona Epstein, 'Short but not sweet: a study of the impact of short sentences on mothers and their children' (Oakdale Trust, De Montfort University, 2017).
2. Isla MacMarquis Masson, 'The long-term impact of short periods of imprisonment on mothers' (PhD Thesis, King's College London, 2014).

No further research was identified.

**b. Should more work be done to reduce the number of parents who are given short-term sentences?**

As previously indicated, there has been a 5.5% reduction in the rate of sentences of 6 months or less, and a 13.4% reduction in the rate of sentences of between 6 months and 12 months, since the sentencing reforms of 2018. However, it is not known how many of the offenders who received short sentences, either pre or post reform, were parents.

#### **Question 6:**

**Is it appropriate to introduce judicial education that emphasises the need for judges and magistrates to pursue non-custodial sentences for defendants with dependent children?**

Judicial officers are required to take into account many factors to determine the appropriate sentence in each case. Whether a non-custodial sentence will be appropriate for a defendant with dependent children will depend to a significant extent on the nature of the offence committed.

Judicial education is included in orientation programs as a matter of course and reinforced through continuing professional development for judicial officers, including court education seminars and conferences where sentencing is discussed.

The Judicial Commission of New South Wales is independent of the Executive and provides continuing education and training for judicial officers, including resources about sentencing and non-custodial community based orders.



## **Inquiry into support for children of imprisoned parents in New South Wales**

### **Supplementary questions**

#### **Question 1**

- 1. Can you outline any specialist accommodation that is provided for former prisoners with children?**
  - a. What capacity currently exists for housing former prisoners with children?**
  - b. What protocols exist for inmates using this accommodation (e.g. maximum length of tenancy, how often do caseworkers visit)?**

Former prisoners with children who are experiencing or at risk of homelessness can access Specialist Homelessness Services (SHS) accommodation and will receive the same services as any other client, that is, there are no specific limitations imposed based on their status as a former prisoner. The SHS program does not, however, provide specialist accommodation specifically for former prisoners with children.

#### **Question 2**

- 2. The Committee has heard of circumstances where former prisoners are unable to access supported housing – in anticipation of regaining access to their children – but are also unable to regain access to their children, without first having appropriate housing.**
  - a. How can this situation be improved?**

The SHS service delivery models have been designed to help people leaving custody to transition into sustainable housing. Intensive responses for complex clients and housing first models are particularly relevant to help people make the transition from custody or post-release accommodation programs who may need further support to secure accommodation and to live independently.

People leaving custody or other institutional settings are specified as a priority client group by a range of SHS services. This includes for example:

- Rosa Coordinated Care Program provides collaborative and intensive case management and support for women exiting custody and rehabilitation programs.
- Guthrie House Co-operative provides services for homeless or at-risk women exiting custody including: targeted services for Aboriginal women; outreach; residential support for asylum seekers; and coaching for existing providers.
- Glebe House provides specialist programs for homeless or at-risk men with complex needs and long-term substance abuse, including men exiting custody.

- Judge Rainbow Memorial provides support services for men exiting custody who have a high risk of reoffending or are at risk of homelessness.
- The Women In Prison Advocacy Network (WIPAN) has also been contracted by FACS to deliver mentoring support to women leaving custody in the inner city and western Sydney. WIPAN delivers this service in collaboration with case management support from specialist homelessness services.

Service providers working with this client group are encouraged to collaborate with and coordinate integrated assistance from multiple services to achieve sustainable outcomes for people leaving custody.

## Corrective Services NSW – supplementary questions

1. What is the selection criteria for approving inmates to reside at Jacaranda Cottages?
  - a. Does the Mothers and Children program currently operate at full capacity?
  - b. Does the capacity of Jacaranda Cottages need to be expanded to accommodate more mothers and children?
  - c. Would it be practical to allow prisoners on remand to access Jacaranda Cottages or a similar Mothers and Children program elsewhere in NSW?
  - d. Is it practical to accommodate imprisoned fathers at Jacaranda, or introduce a similar program elsewhere in NSW?

### Answer:

1. The overarching principle of the Mothers and Children's Program is that the placement is in the best interest of the child as it supports continuity of care and the child's medical and other needs can be met.

To reside at Jacaranda Cottages inmates must be:

- sentenced
- minimum security (category 2)
- eligible for placement at Emu Plains Correctional Centre
- eligible for a leave permit under section 6.2 of the *Crimes (Administration of Sentences) Act 1999*

For full time placement the inmate must be pregnant or have children up to the age of 6 years and for occasional care, must have children up to 12 years. The inmate must have been the primary carer prior to incarceration, have parental responsibility or have an open and active case plan with Community Services or Out of Home Care provider with a restoration plan in place. The inmate must not have any outstanding Children's or Family Court matters or orders excluding her from having contact or care of the child.

The Mothers and Children's Placement Committee assess the suitability of eligible women by considering a number of relevant factors including but not limited to:

- the mother must be stable with regard to her conduct including mental health and use of alcohol and other drugs
  - the person/agency with parental responsibility must consent for children to participate in the Program.
  - the child must not be undergoing medication withdrawal for neonatal abstinence syndrome (NAS)
  - an assessment of the ability of the mother to provide satisfactory care for her child
  - a risk assessment of the mother's suitability from a child protection security perspective.
- a. There is not a large pool of eligible and suitable women who had children within the age range living with them prior to coming into custody. For context in 2019-20 16% (414) of all female offenders received into NSW correctional centres had dependent children living with them prior to coming into custody. A smaller percentage had children under 6 (for full-time care) and under 12 (for occasional care). The capacity of the Mothers and Children's Program is 15 inmates. As at 15 June 2021 there were ten women with 12 full time children, five occasional residence children approved to participate in the program, and one child approved for supervised visits with a view to occasional residence.
  - b. Jacaranda Cottages at Emu Plains Correctional Centre is dedicated to the Mothers and Children's Program and has a capacity of 45 beds. There is bed capacity to expand the placement cap if the need arises. Any expansion of the capacity would



need to consider any necessary changes to staffing and security at Emu Plains Correctional Centre.

- c. It is not practical to allow inmates on remand to access Jacaranda Cottages. Emu Plains is a minimum security correctional centre and is not staffed or equipped to manage and house inmates on remand. CSNSW continuously reviews infrastructure and program needs to ensure programs, inmate accommodation and security meet the needs of a growing and diverse prison population.

A significant challenge in housing children in a maximum security remand environment is ensuring continuity of care. The management of inmates on remand involves frequent and significant disruptions to daily routines due to legal interviews and court attendance (noting that audio visual links may not always be the method of appearing in court). The security regime and physical layout of maximum security settings are very different to that of a minimum security environment such as Emu Plains. It is a challenging environment for adult offenders and the impact on children must be carefully considered. There are also limited opportunities for normalised activities such as excursions to the supermarket and attending the GP.

- d. The separation of sexes within correctional centres works directly to ensuring that CSNSW provides a safe and secure environment for women, many of whom may have significant trauma histories.

The Mothers and Children's program addresses the critical issue of continuing care of mothers who give birth to children in custody or prior to coming into custody. The program promotes the best interests of the child while recognising that prison is not the preferred environment to raise children. There are currently no plans to extend a residential based program to male inmates.

2. What drug and alcohol rehabilitation programs are available to imprisoned parents in NSW?
  - a. Do you anticipate providing greater access to residential drug and alcohol treatment at Jacaranda?
  - b. Can you outline the drug and alcohol rehabilitation programs that are available to people on community-based orders in NSW?
    - i. How many places are offered, and how many are utilised?

**Answer:**

2. Support for inmates to address substance use to adults in custody include:
  - Compulsory Drug Treatment Correctional Centre:
  - Intensive Drug and Alcohol Treatment Program:
  - Intensive Drug and Alcohol Treatment Program: ACCESS
  - EQUIPS Addiction program
  - High Intensity Program Units (HIPUs)
  - Addiction support groups: alcoholics anonymous, gamblers anonymous, crystal meth anonymous and narcotics anonymous, are facilitated for un-sentenced and sentenced offenders.

The Compendium of Offender Behaviour Change Programs provides a full list of programs and can be accessed at

[https://correctiveservices.dcj.nsw.gov.au/content/dam/dcj/corrective-services-nsw/documents/programs/CSNSW Compendium of Offender-Behaviour Change Programs.pdf](https://correctiveservices.dcj.nsw.gov.au/content/dam/dcj/corrective-services-nsw/documents/programs/CSNSW%20Compendium%20of%20Offender-Behaviour%20Change%20Programs.pdf)

The Justice Health and Forensic Mental Health Network provides services and programs in relation to drug use by inmates and drug related harms for people who report substance abuse issues while in custody at publicly managed correctional centres. Privately managed correctional centres engage medical and health care providers that deliver AOD related services.

- a. CSNSW has no plans to change the parenting and best interests of the child focus of the current Mothers and Children Program. To be eligible for the Program, inmates must be stable in relation to any alcohol and other drug use. If an inmate requires intensive services to address AOD issues, then they will be referred to relevant AOD programs before being considered for the Program. While in the Program, mothers can access a wide range of support services and programs which include AOD subject matters.
  - b. Those subject to a community based sentence have the same access to external AOD services as other community members and CSNSW links and refers offenders (as identified in case plans for offenders) to existing programs delivered by health and the non-government sector. EQUIPS Addiction is a standalone CSNSW substance use treatment program that is available for people on a community order. EQUIPS Addiction programs delivered in the community are facilitated by Community Corrections.
3. How could data collection and information sharing mechanisms be improved, to better support the inter-departmental or inter-agency work required to support children of imprisoned parents?
- a. What alerts or workflows are required for information on children of imprisoned parents to be collected and shared between CSNSW, FACS, Justice Health, Juvenile Justice and Education?
  - b. How can data privacy and ethical considerations be managed?

**Answer:**

Subject to appropriate data privacy and ethical safeguards Corrective Services data on the children of incarcerated inmates is available to agencies that have responsibilities for and/or deliver services to children. CSNSW data on the children of inmates is collected through the Intake Screening Questionnaire. The Intake Screening Questionnaire is undertaken at the point of entry into custody to collect critical personal information to address any immediate risks to the safety and health of an inmate. As part of this process, inmates are asked if they have any children and if they have any safety concerns for those children.

Information on children of inmates considered for entry into the Mothers and Children Program, is shared by CSNSW, DCJ and other relevant stakeholders to ensure a comprehensive assessment can be undertaken.

4. What is the expected timeline of the rollout of tablets for inmates' cell-based video visits?
- a. Do you intend to provide full coverage of every inmate in NSW, including remandees and prisoners on short-term sentences?

**Answer:**

4. The video visits on tablets are scheduled to be implemented by the end of 2021.
- a. State-wide implementation is contingent on CSNSW receiving the funding necessary to do this.
5. Does CSNSW fund transportation services for children of imprisoned parents, whether internally or through external organisations?

- a. Can you provide the Committee with details on the costing model for transportation services?
- b. What work is being done to improve public transport access to correctional centres in NSW?

Answer:

5. CSNSW does not specifically fund transport services for children. The Contact Coordination and Support Service delivered by the Community Restorative Centre is funded through the CSNSW Funded Partnership (FPI) initiative. This has a brokerage component which provides reimbursement for transport and accommodation for eligible family members, including children, to visit inmates and maintain contact while incarcerated.

Details of the service are available at:

<https://intranet.internal.justice.nsw.gov.au/Divisions/Pages/divisions/corrective-services-nsw/community-corrections/partnerships-and-community-engagement-unit/funded-partnership-initiative/service-2-contact-coordination-and-support-service.aspx>

SHINE For Kids is funded for the Family, Friends and Children Visitor Support Service which has a variety of activities within the service:

<https://intranet.internal.justice.nsw.gov.au/Divisions/Pages/divisions/corrective-services-nsw/community-corrections/partnerships-and-community-engagement-unit/funded-partnership-initiative/service-1-family-friends-and-childrens-visitor-support-service.aspx>

- a. N/A
  - b. This question should be referred to Transport for NSW as the agency responsible for decisions relating to public transport options and routes.
6. Can you provide more information on all programs that are available to support parents in jail, or to assist them in transitioning to life post-release?
    - a. Are these programs available at all correctional centres?
    - b. How many inmates participate in these programs at each centre in which they are offered?
    - c. Are prisoners on remand offered these programs?

Answer:

6. CSNSW delivers a number of targeted programs to assist inmates to transition back into the community. NEXUS is a three-streamed reintegration service delivery model, designed to provide offenders with multiple opportunities to work towards planning their release. Further information on NEXUS and other CSNSW programs that assist inmates to reintegrate into the community, including parents can be found in the Compendium of Offender Behaviour Change Programs accessed at [https://correctiveservices.dcj.nsw.gov.au/content/dam/dcj/corrective-services-nsw/documents/programs/CSNSW\\_Compndium\\_of\\_Offender-Behaviour\\_Change\\_Programs.pdf](https://correctiveservices.dcj.nsw.gov.au/content/dam/dcj/corrective-services-nsw/documents/programs/CSNSW_Compndium_of_Offender-Behaviour_Change_Programs.pdf)

Programs specifically designed specifically for parents include:

- Mothering at Distance (MAAD) available in all female correctional centres
- Mini Mothering at a Distance available at Dillwynia, Silverwater Womens and Mid North Coast Correctional Centres
- Dads And Family/Babiin Miyagang (delivery currently being reviewed)

- Dads at a Distance available at all male correctional centres
- Mini Dads at a Distance available at Goulburn Maximum, Goulburn Minimum, Mannus, Dawn De Loas

a. See above answer

b.

		Participants	Sessions
	Dads and family	17	62
2020/21 July 20 to April 21	Mini Dads at a Distance	154	728
	Mini Mothering at a Distance	56	112
	Mothering At a Distance	153	1102

c. Mini Mothering at a Distance and Mini Dads at a Distance are available to remand populations.