

**SUPPORT FOR CHILDREN OF IMPRISONED PARENTS IN NEW SOUTH
WALES**

Organisation: Corrective Services NSW Women's Advisory Council

Date Received: 4 March 2020



CORRECTIVE SERVICES NSW WOMEN'S ADVISORY COUNCIL

Statement from the CSNSW Women's Advisory Council for the inquiry into *Support for Children of Imprisoned Parents in NSW*

Context

The Women's Advisory Council (the Council) is appointed to improve the outcomes and experience of women in all stages of the criminal justice system – in custody and in the community, including those at risk of entering the system. The objectives of the Council are to devise strategies, provide advice and advocacy to:

- reduce incarceration and recidivism rates, particularly for Aboriginal women ;
- influence and promote the interests of women offenders affected by the CSNSW Reducing Reoffending Strategy
- improve health and wellbeing of women in the criminal justice system, especially vulnerable populations such as those with disabilities;
- increase housing and social supports to women exiting the criminal justice system;
- change community attitudes by raising awareness of the social determinants of women in the criminal justice system.

Members of the Council are appointed by the Commissioner of Corrective Services NSW on the basis of their expertise in key areas that relate to women offenders such as health, social welfare, Indigenous and legal issues. Members of the Women's Advisory Council are appointed for a period up of two years.

Members of the Council include:

- representatives from relevant government and non-government organisations;
- members of Corrective Services NSW staff engaged in the management and/or supervision of women offenders;
- representatives from health, legal services and housing government and non-government organisations.
- Representatives from relevant Aboriginal and Culturally and Linguistically Diverse organisations

Please see below for a full list of current Council members:

- **Monique Hitter**, Deputy CEO Legal Aid NSW **CHAIR**
- **Alison Churchill**, Chief Executive Officer – Community Restorative Centre **Co-Chair**
- **Elizabeth Evatt**, AC, Justice, Community Justice Coalition
- **Deirdre Hyslop**, Program Director, Miranda Project (CRC)
- **Janelle Clarke** - Aboriginal Legal Service (NSW/ACT)
- **Donna Blomgren**, Director Services and Programs, Justice Health & Forensic Mental Health;
- **Gloria Larman**, CEO, Women's Justice Network
- **Rachael Martin**, Principal Solicitor, Wirringa Baiya Aboriginal Women's Legal Centre;
- **Judge Jane Mottley**, Deputy Chief Magistrate, Local Court of NSW;
- **Sally Trevena**, Consultant, Miranda Project
- **Thea Deakin-Greenwood**, Senior Lawyer, Know More Legal Service
- **Nicole Yade**, Chief Executive Officer, Lou's Place
- **Alexis Lander**, Community member
- **Camilla Pandolfini**, Senior Solicitor, Public Interest Advocacy Centre
- **Despa Fitzgerald**, Detective Inspector, NSW Police Force;
- **Sharon Gudu**, Director Design and Stewardship, Housing, Commissioning Department of Family and Community Services
- **Sandra Crawford**, A/Assistant Commissioner, Community Offender Services CSNSW;
- **Carolyn Jones**, Senior Solicitor, Women's Legal Service NSW
- **Louise Lynch**, Principal Manager, Aboriginal Strategy & Policy Unit
- **Kath McFarlane**, Senior Lecturer, Charles Sturt University
- **Hayley Foster**, Director, Women's DV Court Advocacy Service NSW
- **Steven Southgate** - Director Custodial Operations Youth Justice NSW
- **Hamish Shearer**, Director Metro South, Custodial Corrections, CSNSW
- Ex-officio - **Luke Grant**, Deputy Commissioner, Corrections Strategy and Policy, CSNSW;
- WAC executive support – **Kelly-Anne Stewart**, Principal Advisor Women Offenders, CSNSW.

Statement from the CSNSW Women's Advisory Council

The Council wish to submit a statement to the inquiry into Support for Children of Imprisoned Parents in NSW (the Inquiry). It is widely acknowledged that the children of prisoners are a disadvantaged group and the effects of parental incarceration on children are profound. Children of prisoners serve a silent sentence while a parent is incarcerated and support for those affected children is essential.

Women in the NSW prison system make up just 7% of the total custodial population. In terms of numbers, on any given day in NSW there are just over a 1000 women in custody. Around 40% of

these women are held on remand, with the remainder serving sentences. 34% of the women's population in custody are Aboriginal, highlighting a gross overrepresentation, given the general Aboriginal population in NSW is between 2-3%.

The majority (around 70%) of these women are mothers. Many of these women have multiple children and all of these children are affected by the incarceration of their mother.

The Council believes that custody should be a last resort and that alternative sanctions, via diversion and community orders should be imposed on women with dependent children in the first instance.

December 2020 marks 10 years since the introduction of the Bangkok Rules, known formally as the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. These 70 rules provide guidelines for countries and agencies to ensure consistency in the treatment of women who come into contact with the criminal justice system. These rules recognise gender difference and the need for a system that addresses the unique needs of women incarcerated.

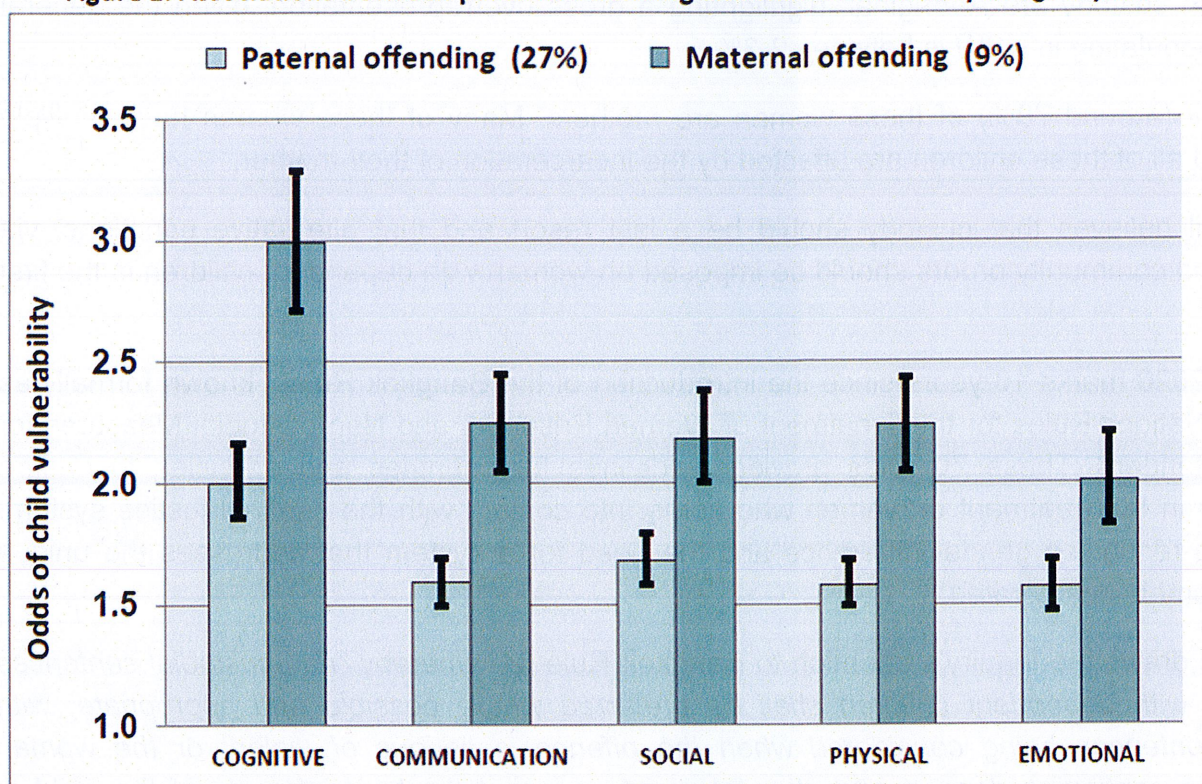
The council draws the Inquiry's attention to Bangkok Rule 64- whereby *"non-custodial sentences for women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taken into account the best interests of the child or children, while ensuring the appropriate provision has been made for the care of such children"*.

The Council acknowledges the excellent work done by the non-government sector to support the children and families of prisoners across NSW. Two of these key organisations are the Community Restorative Centre and Shine for Kids. Without these organisations, families and children of prisoners would not be able to have supported visits or financial assistance to visit a parent in custody. While these agencies receive funding, the demand for their services far outweighs the supply and capacity due to funding restraints. Adequate and recurrent funding for key, experienced NGOs is crucial to ensure holistic and tailored support of the children of prisoners can be provided in a timely manner to those most in need.

Research shows an association between parental offending and vulnerabilities in their children, "across a range of developmental domains in early childhood and conduct problems in middle childhood." (Tzoumakis, et al 2019)¹

¹ Tzoumakis S et al 2019. *Parental offending and children's conduct problems*. Trends & issues in crime and criminal justice no. 571. Canberra: Australian Institute of Criminology.

Figure 1: Associations between parental offending and child vulnerability at age 5 years



Note: n=66,477. Bars are odds ratios and error bars the 95% confidence intervals. Models adjusted for child sex, age, English as a second language, socioeconomic disadvantage, and maternal age at child's birth. All models were considered statistically significant as the 95% CIs did not cross 1.00. Figure adapted from Laurens et al. (2017b).

Figure 1 shows that rates of vulnerability across all the Australian Early Development Census development outcomes are higher for children who were much higher when they had an offending mother compared to an offending father.

In terms of intergenerational offending, Farrington, Coid & West's 2009 study showed that having a parent in the criminal justice system is the strongest predictor of criminal offending and that crime and criminality can be reduced by early interventions that target specific childhood risk factors seen in children of offenders.²

The Council firmly believes that the children of prisoners require specialist support noting that investment and early intervention is essential in order to reduce the risk of intergenerational offending. In addition to support services there is a need for funding for gendered, trauma informed family and civil law services for women in prison. While funding to support children is essential, supporting women to be safe and protective parents leads to better outcomes for children. The council believes there are significant areas for improvement for children who have been removed from their parents either before they are incarcerated or at the time of incarceration.

² Farrington, David & Coid, Jeremy & West, Donald. (2009). The Development of Offending from Age 8 to Age 50: Recent Results from the Cambridge Study in Delinquent Development. *Monatsschrift für Kriminologie und Strafrechtsreform [Journal of Criminology and Penal Reform]*. 92. 160-173. 10.1515/mks-2009-922-306.



Recommendations to the Inquiry

The Women's Advisory Council recommends that:

- the unique needs of dependent children and the effects of separation from a parent are taken into consideration at the time of sentencing for women.
- the NSW government adopt and implement Bangkok Rule 64
- a review of funding arrangements for children of prisoners be undertaken so that organisations can receive longer-term funding to support more children across NSW, including adequate legal support
- the Department of Communities and Justice maintain and improve information exchange relating to child protection risks so that relevant assessments are well informed
- the Department of Communities and Justice improve coordination and information exchange relating to:
 - contact between mothers and their children
 - Information on risk to inform assessments
- there is a need to fund and coordinate better support for women in custody to access services to assist them to work towards restoration

For further advice or information relating to this submission or the CSNSW Women's Advisory Council please contact [REDACTED]

[REDACTED]