

## Examining prisoners' families: definitions, developments and difficulties

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*"Ohana means family – no one gets left behind, and no one is ever forgotten"*

*(Lilo and Stitch)*

The special attention currently being paid to prisoners' family relationships in recent penal and policy discourse has focussed on the importance of maintaining and developing family relationships for the purpose of reducing re-offending (for example the Female Offender Strategy, 2018 and Farmer Review, 2017; HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, 2014; HMI Prisons, 2016). In a recent paper published in the Probation Journal we explored whether the Ministry of Justice's long awaited and much needed female offender strategy can deliver any of its promises. Within the paper we urged a 'consideration of the diverse forms of 'family' alongside women's lived experience and their histories that may feature abuse and dysfunctional relationships' (Booth, Masson and Baldwin, 2018: 6). We suggest that in conjunction with the greater pressure applied to prisoners' sustaining relationships with family members, it is vital to unpick exactly what is meant by 'family' and how this might incorporate diverse forms of close, personal and intimate relationships for people in prison. Without a critical and reflective consideration of these



relationships, there are possible barriers to understanding what support is needed by some of our most vulnerable citizens resulting in additional pains of imprisonment.

### **Family: the concept and context**

In the more traditional sense, family is defined as 'a group consisting of two parents and their children living together as a unit' (Oxford Dictionary, 2018) or 'a group of people who are related to each other, especially parents and their children' (Collins Dictionary, 2018). Previously the word 'family' may have conjured up images of a married couple living in their own house with 2.4 children in a 'nuclear' family (Giddens, 1993). However it is suggested that for many this no longer represents the ways in which people might relate to one another; with families being characterised in more fluid and diverse ways (Morgan, 1999). These familial changes are reflective of

wider social changes, such as women's increasing participation in the labour market since 1950s; a reduced uptake of marriage alongside rising divorce rates; the alternative living arrangements of adults through a greater social acceptance of same-sex relationships, cohabitation, and solo living (Williams, 2004). Further, family is no longer just comprised of blood and legal relatives; there are many more iterations of what constitutes a person's family network. For many, family is not about being related to, or married to someone, but are being constructed as 'families of choice' (Week, Heaphy and Donovan, 2011) whereby a person is choosing their significant other(s). Initially applied to non-heterosexual relationships, the concept of 'choice' in forming family relationships is closely linked to wider changes in the meaning and practices of families in society, for instance through the increasingly prominent role of friendships to replace or supplement 'family' ties (Allan, 2008 and Wrzus, Wagner and Neyer, 2012). Wider social changes, such as globalisation might also explain why these developments may have occurred; as family members do not necessarily reside in the same physical or geographical space. As such, we suggest that policies, based on a narrow definition of the 'nuclear' family structure, might not reflect the lived experiences of contemporary family life in England and Wales. For reasons that will be explored below this is likely to particularly affect the formation and diversity of families of prisoners.

### **Exploring the meaning of prisoners' families**

There has been increasing interest in the role of prisoner's families, especially in reference to how they can play a role in preventing re-offending (Farmer Review, 2017). Not only does this offloading of responsibility have significant financial benefits for the Ministry of Justice and apply significant pressure to these 'families', but it is particularly concerning given that little effort is made to identify 'who' is a family member of a prisoner (Booth, 2017). There is no systematic collection of data about this particular population (Williams, Papadopoulou and Booth, 2012) and so much research and policy focus on prisoners' families has tended to assume its construction as a heterosexual family unit; with the father in prison, and the mother and children outside (Codd, 2007, 2008; Farmer Review, 2017). It is argued that given their diverse and complex life experiences, those caught up in our prison system might not recognise or represent the previous typical 'nuclear' family structure.

The existing literature demonstrates time and time again how prisoners have often experienced many hardships throughout their lives. This may affect whether they are able to maintain contact with significant others, or in fact whether they have anyone at all to call 'family'. For instance, the prison population has a large proportion of care leavers (Lamming Review, 2016 and Taylor, 2006) and number of people who have experienced abusive relationships (for example Corston, 2007; Williams et al, 2012). Moreover, when considering women in prison, it is really important to consider whether those who the

prison would define as a person's family member are actually harmful relationships, compared with those who the prisoner considers to be their family may provide more appropriate and/or meaningful support.

Therefore, it is vital for us to take a step back and reflect upon the 'family' from a wider perspective and include definitions that are more fluid and subjectively interpreted by prisoners themselves. This paper will now examine a few examples of tangible implications to those incarcerated when a difference in understanding of family is held by them and the prison authorities.

### **Implications of difference in understanding in policy**

The first to be explored is the ambiguous language surrounding the number of children permitted to visit a 'parent' in prison. PSI 16/2011(p.6) states that: 'social visits are limited to three adults per prisoner. No such limitation applies to children who are visiting a parent in custody, so every effort should be made to book visits for large families'. This appears to provide flexibility to prisoners with children (under 18 years old).

However, it is unclear whether relationships resembling, and being subjectively defined, as a parent-child relationships are also included by this definition, or whether this only refers to biological children. If the latter, opportunities to sustain relationships with step-children, nieces and nephews, or god-children may be hampered. Ambiguous language in this PSI may lead to inconsistent or unnecessarily restrictive decisions about the definition of 'parent', and have significant repercussions on relationships between extended family members, or families of choice during a loved ones' prison sentence. Similarly, on account of our ageing

prison population (Public Health England, 2017), this policy also fails to recognise that a larger number of prisoners may be visited by adult children, who may also want to visit with their own children (the prisoner's grandchildren).

The second implication of a difference in understanding of family is when a prisoners' loved one is terminally ill or has died. Pains of incarceration are often acutely felt it times of stress, no more so when being in prison means that you cannot physically be there with those that you love. PSI 13/2015 allows a person to apply for temporary release if this has happened to a 'close relative' (a spouse/life partner<sup>1</sup>, a fiancé/fiancée, siblings (including half or step siblings), a child, parent, someone who has been 'in loco parentis' or someone the prisoners has been 'in loco parentis' for). Although this covers a wider range of people than some of the above definitions of the 'nuclear' family, the definition of close relative is problematic for those not ascribing to these definitions of family. It is argued that extended families cover so many more 'family' members than this, and the requirement for prisoners to prove the closeness of the relationship in a time of such stress seems particularly punitive. It is also argued that delays in being able to prove this relationship in a short-time period may further hinder those during a period of grief. As such, many in prison may not be granted temporary release to attend such meaningful family moments. It is suggested being prevented from doing this may have significant repercussions to the prisoner's

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<sup>1</sup> The inclusion of same sex partnership is definitely a step in the right direction.



mental health and ability to meaningfully engage with the prison system as a whole. It is suggested that allowing prisoners to determine who their 'family' is may help to reduce such obstacles.

However, there is evidence that positive change is coming in policy documents published more recently. For instance, we welcome the inclusion of 'significant others' in the title of 'families and significant others' strategy documents that prisons are obliged to publish on the National Information Centre on Children of Offenders (NICCO) website. In particular there is recognition in many of these strategies, including that published by HMP Leicester (2018), that 'family' includes blood, legal or 'significant persons that a prisoner identifies' as a next of kin. This might better enable meaningful contact with individuals that the prisoner considers their family as opposed to

prescriptive definitions based on blood or legal ties. Similarly, there appears to be more flexibility with financially supporting wider family with visits. We know from the existing literature that many prisoners do not receive regular or any visits whilst they are incarcerated because of the distance and/or cost associated with visitation, which may be compounded by families already experiencing financial difficulties as a result of a loss of earnings (Hairston, 2009). However, given the previously discussed belief in the importance of the maintenance of relationships, there is financial support for visitors on low income to overcome these barriers as a result of Assisted Prison Visits Scheme (APVS). Importantly though, guidelines for APVS have a broader definition of which visitors might be able to receive financial assistance for visiting a loved one in prison. As well as expected relatives, such as "Husband, Wife, Parent" it also includes "next of kin (as noted by the prisoner in prison records)". This flexibility in who constitutes family is crucial for supporting those most in need.

We acknowledge, however, that this language needs to be reflected across all policies as currently those in prison controlled by out-dated penal policies are often still prevented from meaningful contact with those they consider their family. Indeed, the true scope to which an expanded definition of family is adopted and could be influential is yet unclear. Greater understanding of the nuances in prisoner's conceptualisation of family will be fundamental in driving future policy changes.

### Concluding thoughts

Support for maintaining and developing prisoners' family ties is at the crux of Ministry of Justice rhetoric regarding reducing re-offending. Yet, the evidence critically examined in this paper show inconsistencies and ambiguities around the definition and application of the term 'family' in policy documents that instruct prisons how to operate. The changing and diverse nature of 'family' relationships in contemporary Britain is widely acknowledged as characteristic of wider social changes. Although some positive steps have been made to include 'significant others' in localised 'family' strategic prison plans (e.g. NICCO website) as well as the APVS, which supports visitation, these more dynamic conceptualisations are not supported in other, out-dated policy documents. Thus, instead of policies relying upon archaic concepts of family, they should all be changed so that prisoners should be able to identify their biological, legal or social family members, and take ownership of who constitutes their family. Failure to recognise the myriad of personal and social relationships that people in contact with the criminal justice system may have through their disadvantaged backgrounds, will impact how prison is experienced by prisoners and their loved ones. It may also hinder opportunities for crucial support to be provided by significant others.

Considering the possibility of further pain and familial dislocation that might occur through a continued use of a narrow definition of 'family', further research that explores the different ways in which people might understand and interpret their relationships in and around the prison setting is

required. To begin to bridge this gap, the authors are particularly interested in how prisoners and their 'families' view who is part of their family, and would be interested in hearing from anyone who has experienced a family member on remand.

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