

VISITS TO PRISON BY CHILDREN

SCOPE

This chapter sets out the procedures in line with the document 'Providing visits and services to visitors June 2014' and best practice for managing risks and safeguarding the wellbeing, in line with the Children Act 1989, of children and young people, who may be visiting or having contact with adults or other young people, who are in a custodial setting.

Clear and timely communications are essential to ensure that inter agency co-operation takes place and all regulations are implemented in the best interests of the child.

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1. INTRODUCTION AND DUTIES OF PRISON GOVERNORS

The Prison Service is subject to the section 11 duties set out in this chapter. It also has a responsibility to identify prisoners who are potential or confirmed 'persons posing a risk to children' (PPRC) and through assessment establish whether the PPRC presents a continuing risk to children whilst in prison custody. Where an individual has been identified as a PPRC, the relevant prison establishment

- should inform the local authority children's social care services of the offender's reception to prison, subsequent transfers, release on temporary licence and of release date and of the release address of the offender
- should notify the relevant probation service provider of PPRC status. The police should also be notified of the release date and address
- may prevent or restrict a prisoner's contact with children. Decisions on the level of contact, if any, should be based on a multi-agency risk assessment. The assessment should draw on relevant risk information held by police, the probation service provider and the prison service. The relevant local authority children's social care should contribute to the multi-agency risk assessment by providing a report on the child's best interests. The best interests of the child will be paramount in the decision-making process.

A prison is also able to monitor an individual's communication (including letters and telephone calls) to protect children where it is proportionate and necessary to the risk presented.

Governors/Directors of women's prisons which have Mother and Baby Units (MBUs) should ensure that:

- there is at all times a member of staff allocated to the MBU, who as a minimum, is trained in first aid, whilst within the prison there is always a member of staff on duty who is trained in paediatric first aid (including child/adult resuscitation) who can be called to the MBU if required
- there is a contingency plan/policy in place for child protection, first aid including paediatric first aid and resuscitation, which should include advice for managing such events, and which provides mothers with detailed guidance as to what to do in an emergency
- each baby has a child care plan setting out how the best interests of the child will be maintained and promoted during the child's residence in the unit

See also [Providing Visits and Services to Visitors 2014/15](#).

2. DEFINITION OF CONTACT

Contact with a child includes correspondence, prisoner's telephones, any contacts via the internet including social media and mobile phone texting and social visits.

Telephone contact will include any access to office telephones or computer usage, where permission has been granted. It will also include any contact with children who have been invited to visit the prison as part of a group.

3. CONTACT REQUESTS

The Prison Rules require prisons to actively encourage prisoners to maintain outside contacts and meaningful family ties. This is integral to the prisoner's Right to Family Life as well as their rehabilitation. Visits are seen as crucial to sustaining relationships with close relatives, partners and friends, where appropriate, and help prisoners maintain links with the community.

Prison Rules 34 and 73 (1) /YOI Rules 9 and 77 allow the Governor discretion to refuse a social visit or determine the conditions under which it takes place. Such a decision must be necessary for one of the purposes specified in the Rules and should be proportionate to the objective being pursued. These criteria reflect the requirements of Article 8 of the European Convention on Human Rights.

If a prisoner wishes to apply to have child contact, the Prison staff must provide an application form for the prisoner to complete for a Visiting Order. A separate request must be made for contact with each individual child.

It is possible that a request for contact could be made by a parent or from the child directly. If such a request is received the prisoner will be informed and asked if s/he wishes to submit a request for contact.

A register providing a record of applications must be held on file. This record will become part of the prisoner's main record and will follow the prisoner on transfer. Each prison establishment should maintain a central record indicating which prisoners are subject to restrictions due to the risk they represent to children, details of which prisoners are allowed child visits or other contact and details of prisoners who have been refused child visits or other contact.

Generally, prisoners are not allowed to access social networking websites e.g. face book or twitter while in custody, but some prisons use a service called 'E-mail a Prisoner'. If a message is sent this way, it will be printed out and delivered by prison staff. If it relates to a child it must be assessed as a 'safe communication'. Any such contact will be carefully monitored. See **Staying in Touch with Someone in Prison (GOV.UK)**.

4. PARENTAL SUPPORT FOR CONTACT

The prison establishment should ask the parent of the child whether they support contact. Children's Social Care Services for the area where the child is living should ascertain the wishes and feelings of the child during a home visit. For the visit to take place, Children's Social Care Services must also ascertain that the person who has Parental Responsibility and is currently caring for the child supports any contact.

In cases where the parent does not support contact, the prison establishment should inform Children's Social Care Services of the parent's decision.

5. LOOKED AFTER CHILDREN

When a prison establishment contacts Children's Social Care Services as part of the multi-agency assessment and the child is Looked After, the local authority's view about the appropriateness of contact must be obtained in writing. The test is always whether contact is in the child's best interest.

Whether or not the local authority share Parental Responsibility, the views of the parent must also be included.

6. THE MULTI AGENCY ASSESSMENT

In order for the prison establishment to undertake the risk assessment to determine the risk to which a child might be exposed and the risk that a prisoner presents, it must contact and gather information from a range of agencies:

1. The police in the child's home authority must be contacted with details of the prisoner and the child including a photograph.
2. The prison establishment's probation officer should be provided with the details of the prisoner's application and where a prisoner will be subject to licence supervision on release or has been recalled for breach of licence for the current offence the home National Probation Service provider must be contacted and asked for information and comments. In addition, if the prisoner is a young offender and is supervised, Children's Social Care Services in the child's home authority must be contacted.
3. Where appropriate the NSPCC may be contacted for additional information as some prison establishments have developed a partnership with the NSPCC who will search their database for information relating to the risk of harm to a child.
4. A letter to the Head of Children's Social Care Services including all known details of the prisoner and the child with a photograph must be followed up with a prompt phone contact to the Safeguarding Manager in the Children's Social Care Services.

The Safeguarding Manager will acknowledge the request in writing to the prison establishment within 2 working days and the Safeguarding Unit will process it by:

- Checking any information across all electronic and manual records held by Children's Social Care Services; and
- Establishing which Children's Social Care Services Team is responsible for the child(ren) involved.
- Within one working day of receipt of the prison request, the Safeguarding Manager will notify the relevant Children's Social Care Services Team who will action an assessment and respond with a report to the Safeguarding Unit within 10 working days. The views of the child should be an important element of the assessment.
- The Safeguarding Manager will forward the Assessment Report with recommendations to the prison establishment within 2 working days of receiving it from the Children's Social Care Services team.

7. THE DECISION

The operational manager with delegated authority in the prison establishment, normally the Head of Resettlement or through care, who has responsibility for Public Protection, will make the assessment using the available multi-agency information. The decision must take into account the following factors:

- The child's needs, wishes and feelings.
- The capacity of the parent to protect the child from significant harm.
- The prisoner's risk to the public.
- Pre-sentence reports.
- Previous convictions.
- Custodial behaviour and any other documentation highlighting risk.

8. LEVEL OF CONTACT DECIDED

The operational manager should decide the level of contact that will be permitted. It should be proportionate to the risk identified and the best interests of the child should always be the overriding principle in making these decisions.

Contact restrictions should be incremental and one of the following levels will be applied:

- **LEVEL ONE:** Full restrictions apply. No contact with any child is permitted and all correspondence and telephone calls will be monitored.
- **LEVEL TWO:** Contact is only permitted via written correspondence. All correspondence and telephone calls will be monitored.
- **LEVEL THREE:** Contact is permitted via written correspondence and telephone. All correspondence and telephone calls will be monitored.
- **LEVEL FOUR:** No restrictions necessary. May have contact via correspondence, telephone, visits and family visits. Routine sampling applies – reading of correspondence, listening to telephone calls, general observation in visiting area.

9. MONITORING

The level and frequency of monitoring will be proportionate to the risk identified. Monitoring should focus on whether the prisoner is attempting to contact children inappropriately and what references about children are made in general correspondence i.e. grooming or manipulation of a child or a parent.

Monitoring of prisoners who present a risk to children in the visits area is required to establish if appropriate contact is taking place between an offender and a child where child visits have been permitted. Other prisoners who present a risk to children and have not been permitted contact with a child must be supervised in such a way that contact is not possible.

Recorded e.g. audio cassettes, CDs and VideoCDs and electronic information, including any internet, social media or text messaging access, needs to be monitored because it affords an easy disguise for inappropriate information.

9. MONITORING

It is necessary to take steps to prevent a child being substituted with another possibly more vulnerable child where visits take place. Prison staff monitoring calls, correspondence and visiting areas need to be vigilant and prevent any inappropriate contact where identified.

Four passport style photographs will be required of each child and these should be updated annually or earlier if there is a significant change in a child's appearance.

10. REVIEWING CONTACT DECISIONS

Where a decision has been made to restrict contact, the decision will be reviewed when there is reason to believe that circumstances have changed. Reviews can be made at any time on the initiative of prison staff or at the request of the prisoner. It is good practice to review decisions every six months.

Any decision to change the level of contact permitted must be based on what is best for the child. The child's welfare is paramount at all times. The decision must take into account the views of the Police, Probation and local Children's Social Care Services, via the LA Safeguarding Unit.

11. REVIEWING CONTACT DECISIONS

All prison establishments have procedures for prisoners who wish to appeal a decision to restrict contact or not to permit any contact at all with a child.

If the prisoner wishes to challenge the information held on file, the information provided by other agencies should only be disclosed to the prisoner with the agreement of the other agency.