

‘It’s not a case of he’ll be home one day.’ The impact on families of Sentences of Imprisonment for Public Protection (IPP)

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Abstract: There is now a growing body of literature which is centred upon the negative outcomes that occur for many families, and by extension, children who experience the imprisonment of a father. Typically families suffer the consequences of living with stigma and financial difficulties, while children are often affected by being provided with limited information about what has happened to their incarcerated parent. These factors can combine to increase the chances of children and family members in this position developing mental and physical health issues and other associated difficulties. Drawing on the findings from the lead author’s research on the impact of Indeterminate Sentences of Imprisonment for Public Protection (IPPs) upon families, the authors will argue that for families where fathers are serving IPPs the potentially negative effects of parental incarceration are considerably magnified. With no definite release date there is an absence of hope, which can quickly lead to despair for IPP prisoners and their families. Since IPPs are reserved for those offenders who are deemed to pose the most potential risk to the public in the future there is inevitably an increased level of stigma that attaches to those prisoners who are subject to them, and by extension to their families. The prisoners themselves are often provided with limited information regarding the consequences for them of being subject to an IPP, which in turn means their families also have very little understanding of the gravity of their predicament. The evidence gathered suggested a worrying picture, as the nature of the IPP sentence resulted in a severely detrimental impact upon families and children; it will be argued here even more so than Life and determinate prison sentences.

Introduction

This paper seeks to draw attention to the increased uncertainty and distress experienced by families affected by imprisonment when the imprisoned person is subject to a Sentence of Imprisonment for Public Protection (IPP). After providing background information on the position of children with a parent in prison and the IPP specifically, it is argued that all the issues faced by families in the wake of imprisonment are amplified when that sentence is indeterminate. The authors conclude that the uncertain nature of the IPP sentence serves to diminish hope for both the prisoners who are serving it and their families, with particularly detrimental effects upon well-being. Many families affected by imprisonment face hurdles such as stigma, constrained finances, the challenge of travelling long distances to maintain contact, and making adjustments when the imprisoned person is released. We will draw on the voices of family members of those subject to IPP sentences to show how these issues are experienced more acutely when the family member is subject to an IPP sentence.

Background

There is a growing body of literature that highlights the generally negative impact that occurs for children and families as a result of having a parent in prison. Existing literature suggests that stigma, poverty, fear, anxiety, worries regarding their parents, difficulties in school, and poorer mental health are among the prevalent characteristics experienced by some of this group of young people (Murray & Farrington, 2005; Martynowicz, 2011, Murray et al., 2012, Jones et al., 2013). Marshall (2008: 16) describes these individuals as “the invisible victims of crime and the penal system”. However little attention has been given within the literature to the particular effect that having a parent serving an indeterminate sentence, for example an IPP, has upon children and families.

An indeterminate sentence is one that has no fixed release date. It requires the person subject to it to prove that the risk they might pose has been sufficiently reduced before they

are allowed to be released. Those sentenced to indeterminate sentences are set a minimum period of time that they must spend in prison which is known as their 'tariff'. They can only apply to the Parole Board for release after they have completed their minimum 'tariff' (Ministry of Justice, no date). This contrasts to determinate sentences under which prisoners know the maximum time they will serve in prison.

In England and Wales, in 2016, the number of prisoners serving indeterminate sentences stood at 11,500, with 36% serving a sentence of IPP (Ministry of Justice, 2016). The vast majority of these prisoners are men. It is estimated that 50% of male prisoners have children under the age of 18 years, with the average number of children per family currently estimated at 1.92 (Markson et al., 2015; Miller et al., 2015). This would equate to just over 22,000 children experiencing the impact of having a parent with an indeterminate sentence at the current time, with nearly 8,000 children having a father subject to an IPP. In this article we argue that all the challenges of parental imprisonment experienced by children and families are amplified when that sentence is indeterminate, and that the impact of IPP sentences is even more pernicious to the well-being of prisoners and their children and families than that of even Life sentences.

It would be remiss not to acknowledge the fact that in certain situations, such as in cases of domestic violence and child abuse, the removal of a parent may be necessary in order to ensure a child's safety and security. However, this article is focused on the experiences of the children and families with whom contact and a relationship with the imprisoned offender is desired, but has proven problematic due to the nature of the IPP sentence. It is also important to recognise from the outset that the risk that some offenders pose to the public needs to be carefully assessed prior to release in order to ensure the public are protected from harm. However, the way in which that is managed needs to take into account the impact of all stakeholders, not only actual and potential victims but also the offender's family and children as 'collateral victims' (Russell-Brown et al., 2015).

In order to understand how the IPP can affect children and families, it is necessary to first decipher the impact of the sentence on those serving it. It is established that because “families and care givers play a central role in child well-being ... children’s well-being is therefore inextricably linked to parental well-being” (UNICEF, 2015: 5). In other words “there is a significant overlap between what affects the well-being of both children and adults” (The Children’s Society, 2012: 6). Studies have indicated that children with imprisoned parents are more susceptible to experiencing a range of negative outcomes. These include poorer educational performance, isolation from social networks and an increased prevalence of mental health issues (Clancy & Maguire, 2017). These experiences have been observed to be directly related to the shame, stigma and bullying experienced by these children as a result of parental imprisonment (Moses, 2010). However, Knudsen (2016) correctly contends that this is not the experience of all children in this situation and as such practitioners should avoid the negative stereotyping of this group. Therefore the negative impact on those responsible for caring for children with a father serving an indeterminate IPP sentence, coupled with the effect of this sentence upon the imprisoned parent themselves, will in turn have a detrimental impact on the children within affected families as they witness the toll the sentence takes on both their parents.

The IPP sentence

The IPP sentence was introduced under the Criminal Justice Act (2003) and implemented in April 2005. This sentence was introduced to amend the gap in available sentences identified in The Halliday Report, *Making Punishments Work* (Home Office 2001). This report recognised a lack of sentencing options for individuals whose offences did not warrant a life sentence but where the individual posed a high risk of reoffending which could cause serious harm (Howard League, 2007). The creation of the IPP can be viewed as a result of the shift towards risk-based sentencing, as the over-arching aim of the sentence was to protect the

public from “dangerous offenders” (Bettinson & Dingwell, 2013: 1095). Further, the introduction of the IPP signalled a departure from the long-standing principle of proportionality in sentencing, in favour of sentencing based on potential, future risk (Prison Reform Trust, 2010). An IPP was available to sentence offenders who were convicted of a specified violent or sexual offence that were also deemed as ‘serious offences’ (Annison, 2014). Similar to a life sentence, in order for release to be granted, an offender must demonstrate reduced risk and satisfy the Parole Board they no longer pose a risk to society (Lauchlan, 2011). Nash (2010) identified that the IPP was an attractive option as it removed the risk element of decisions regarding an offender’s release from judges and placed it firmly with the parole board; further signalling the increasingly risk-averse nature of the criminal justice system.

Relatively soon after the implementation of the IPP sentence, it became apparent that there were a number of problematic aspects to the sentence which had not been anticipated or fully understood. Primarily, the rate in which the sentence was handed down was substantively more than had been expected. Lauchlan (2011: 266) argued that this over-reliance on the sentence could be explained by its imposition on “difficult” rather than “dangerous” offenders. It has been recognised that the “long tail” (i.e. long term effects) (HM Chief Inspectors of Prisons and Probation, 2008: 4) of the IPP has had a significant lasting impact. As more offenders were given IPP sentences than anticipated, the demand for access to the accredited behaviour programmes which were attached to sentence plans was greater than the resources which had been allocated (Bradford & Cowell, 2012). Offenders must complete these programmes in order to satisfy the Parole Board they no longer pose a risk to the public; while a failure to do so is a key predictor of an unsuccessful parole hearing (HMIP, 2016). However, as Rose (2012) notes, neither the resources nor the systems were available, which reduced the possibility of release.

The impact of the IPP on prisoners

The IPP is regarded as having a 'different resonance' to a Life sentence, since the needs of IPP prisoners are often not acknowledged in the same way as those of Life sentence prisoners. It has been argued that there is a "symbolic status" attached to the crimes such as murder that a Life sentence is imposed for, which is not the case with the IPP (Sloan, 2014: 32). Life sentence prisoners are recognised as having distinct needs, so for example they can have their own family days (Prisons and Probation Ombudsman, 2014) and designated wings within prisons (Honeywell, 2015). Sloan contends that whereas Life sentence prisoners can resign themselves to the fact that they will be always subject to the sentence either in prison or in the community, those subject to IPP do not have this certainty. They do not know whether they will or will not be able to "escape the IPP licence" (Sloan, 2014:32). Consequently, IPP prisoners do not have the same 'expectations and identity markers' ascribed to their sentence as Life sentence prisoners, and by extension nor do their children and families. One prisoner subject to IPP articulated his situation "we are not even Lifers, we don't know what we are" (Sloan, 2014: 32).

Addicot (2012: 25) characterises the IPP sentence as a situation where there is "no light at the end of the tunnel" and about which there is very limited information, meaning there is a great deal of "Chinese whispers in jail" about it. He noted that only 2 of his interviewees had been given any information on the IPP. Almost all the men subject to IPPs that he interviewed were showing depressive symptoms, with many not seeing the point in getting out of bed as they felt powerless to change their situation. They compared their situation to being on remand, in terms of the stress of having no certainty about what was likely to happen. The Children of Prisoners Interventions and Mitigations to Strengthen Mental Health (COPING) pan European study noted the relief felt by prisoners and their families alike when they were finally sentenced to a determinate sentence after the anxiety of awaiting sentence, uncertain of what to expect. Once sentenced, the prisoner, their children and their wider family had a date to look forward to (Jones et al., 2013). This is not the case for those

subject to IPPs and other indeterminate sentences and their families who continue to experience the anxiety associated with uncertainty long after they are sentenced.

Research undertaken by the Sainsbury Centre for Mental Health (2008) discovered an increased prevalence of mental health issues and self-harm of IPP prisoners compared to Life sentenced prisoners and double the rate of the general prison population. Further, it has been found that a higher proportion of IPP imprisoned offenders than Life and general population offenders reported having emotional wellbeing and mental health issues, in addition to having drug or alcohol issues. This is particularly relevant as UNICEF (2011: 26) found that substance abuse and family separation were contributors to children having a “bad day”.

Additionally, information from the Ministry of Justice, compiled by the Prison Reform Trust (2016) provides a deeply concerning insight into the lives of IPP imprisoned offenders. The data shows a significant yearly increase in the rate of self-harm among IPP imprisoned offenders over the last 4 years. In 2016, there were over 2,500 incidents of self-harm among IPP imprisoned offenders, again at a significantly higher rate than Life sentenced prisoners and the general prison population. Thus, the situation has culminated to the point where a high proportion of IPP imprisoned offenders are in ‘despair’ (Prison Reform Trust, 2016).

The IPP was abolished under the Legal Aid, Sentencing and Punishment of Offenders Act (2012). However, the IPP is still crucially relevant today. As of March 2016, there were 4,133 IPP offenders still imprisoned, of which 3,330 had served their minimum tariff. It is worth noting that England and Wales contain the highest number of prisoners serving indeterminate sentences in Europe by a large margin, equating to twice the combined number of prisoners serving indeterminate sentences in France, Germany and Italy (Aebi et al., 2015). Despite this, and the severity of the situation regarding the prison service alluded to previously, the previous Secretary of State for Justice Liz Truss indicated that there are currently no plans to revisit or make amendments in regard to the IPP sentence and the

offenders serving under it (BBC, 2017), suggesting this situation will continue to have a severe impact on the offenders, their families and their children.

Wider effects of the IPP: families and children

It is argued here that the unique nature of the IPP further exacerbates the issues faced by those who have had their lives changed forever as a result of what has been described as of “one of the least carefully planned and implemented pieces of legislation in the history of British sentencing” (Prison Reform Trust, 2010: vii).

The impact of indeterminate sentences on the well-being of prisoners has long been recognised. The effect of them on the children and families of those subject to them is less frequently acknowledged. A prime example of this can be observed through examining the HM Inspectorate of Prison (2016) report on the ‘Unintended Consequences’ of the IPP sentence, where the families are only mentioned once in the 107 page document.

Significantly even this point is in regards to supporting prisoner well-being and focused on rehabilitation rather than a consideration of the unique needs of the family.

A document produced by the United Nations (1994) argued that the nature of indeterminate sentences made them corrosive to the psychological well-being of those serving them. In particular the report highlighted how these sentences are characterised by ‘uncertainty’ with the prisoners serving them having no idea about or control over how long they would serve in prison. Any notion of when they would be released is ‘vague’ and as a result these prisoners become anxious and concerned that they will be forgotten by “the faceless machinery” (United Nations, 1994: 6) of those who were appointed to make decisions about their release. These prisoners know their behaviour is constantly assessed but it is often unclear what is expected of them and what criteria they will be judged by. The same report acknowledges how this “uncertainty weighs heavily” with the result that those serving these

sentences “have no real perception of their own time frames” (United Nations, 1994: 6) and as argued herein nor do their children and families.

It is not difficult to see how hope can be lost in the face of an indeterminate sentence. The concept of ‘hope’ has been defined as the ability to have optimism about “future possibilities” (Tutton et al., 2011: 2062), which in this context is the prospect of release. The effect of indeterminate sentences can be to crush hope for the prisoner, their children and wider family. When commenting on the case of Vinter (2013) at the European Court of Human Rights, in relation to the issue of indeterminate sentences, Judge Power Forde made the link between hope and human dignity, recognising the ability to hope was “an important and constitutive aspect of the human person” (Van Zyl & Appleton, 2016: 9). The Judge went on to state their belief that to deprive a human being of the hope of being released is therefore degrading and contrary to Article 3 of the Human Rights Act 1998 (Van Zyl & Appleton, 2016).

Furthermore, the IPP can be seen as infringing on the rights of the child. As Gampell (2015) has asserted, children with imprisoned parents routinely have their rights under the United Nations Convention on the Rights of the Child (UNCRC) encroached upon. For example Article 7 gives children the right to information that is important to their wellbeing. This paper shows how the inadequate provision of information and general lack of understanding regarding the true nature of the IPP frustrates this. Likewise Article 2 of the UNCRC confirms the right for children to be free from discrimination, including in situations where the discrimination might arise as a result of the status or actions of their parents. The authors argue the increased stigma arising from the IPP sentence, and the misunderstanding of its nature, means that this right is likely to be violated to an even greater extent than when a parent is serving either a Life sentence or a determinate sentence. Furthermore, Article 9 provides for direct and frequent contact with parents. It will be argued here that the necessity of IPP prisoners to travel to prisons which are long distances from their children and families obstructs this right from being exercised. In these circumstances prison sentences, and the

IPP sentence in particular, undermine the spirit of the UNCRC to promote the best interests of children (Article 3), their family life (Article 16) and to protect them from psychological harm (Article 19) (UNICEF, no date).

Methodology

This article draws on the lead author's research on the impact of the IPP sentence upon families. Nine in-depth semi-structured interviews were conducted over a two month period. The sample comprised of six mothers and three female partners of men serving IPP sentences in English prisons. Of the nine men connected to the participants in the study, four were fathers to a total of ten children. The participants were recruited via an advertisement placed on the website of a solicitors firm who specialised in representing individuals subject to the IPP. This solicitors firm also ran an information group for family members of those serving the IPP. To preserve anonymity and distinguish the relationship between the participant and the imprisoned offender, the participants will be addressed as Partner 1-3 and Mother 1-6. The research was approved by the relevant university ethics committee and the data was analysed thematically. The themes arising from the findings are presented alongside existing research so as to contextualise the interview findings.

The impact of the IPP on the family members and the family unit

Children are often burdened by worrying about the safety of their fathers whilst they are in prison (Jones et al., 2013), and prone to thinking the worst as a result of seeing violent documentaries about prisons on the television. It has been noted that there is a significant impact on children who experience the mental ill health of a parent. This can involve experiencing self-blame, worries over their own mental health and an inability to cope with the situation, particularly when they are separated from the parent and the situation is not

fully explained (Royal College of Psychiatrists, 2017). Findings from this research demonstrate how a child could bear witness to a parent's mental health deteriorating as the prevalence of mental health issues experienced by the family members of IPP prisoners was a common theme arising in this research, with one participant commenting:

'It is mental torment. I have never had so much help from the mental health team. I've never been on so much medication and talking therapy. It has put my life completely on hold and some days it feels really really hard to enjoy normal things ... because in my own private little world, I'm on the same sentence'. (Partner 1)

Feelings of hopelessness for IPP prisoners and their families are further exacerbated by the unlikelihood of being released, even when they have far exceeded their tariff date. Former Secretary of State for Justice Kenneth Clarke has described the IPP as a 'stain' on the Criminal Justice System, in addition to stating his belief that it was 'almost impossible' for an IPP imprisoned offender to prove the reduced risk required for release (BBC, 2016).

Strikingly, it was found that a feeling of 'hopelessness' was discovered to be an indicator which suggested an individual would fail to make the necessary progress to obtain release (HMIP, 2016), creating a vicious circle. The Howard League (2013) noted that those who would not have been eligible for an IPP following the amendments to the IPP in 2008 in particular experienced higher levels of anxiety and an increased risk of self-harm. It is believed that a similar case could be made for all the remaining IPP imprisoned offenders following the abolition of the IPP who have seen individuals enter and progress through the prison estate while they remain, , with no prospect of a release date. This clearly takes a significant toll on family members too, as it was described:

"It is inhuman ... not having a release date, to which to work towards, not being able to plan for his, and our own future, all these things impact daily, and are having a hugely detrimental effect on us, emotionally, mentally and physically. The concept of the IPP dominates my life, and is like a massive weight on my well-being. (Mother 1)

Distance from family

It has been noted that children of imprisoned offenders are viewed as an afterthought of penal policy (Martynowicz, 2011), despite the “devastating impact” that a prison sentence and an IPP sentence in particular can have upon children and families (Howard League, 2007: 22). By its very nature imprisonment will impact on the amount and quality of time an imprisoned offender and their children can spend together, as it has been noted that there can be substantial variations in the facilities and provisions for meaningful contact by penal institutions (Martynowicz, 2011). However, as the IPP sentence requires imprisoned offenders to move between penal institutions in order to demonstrate reduced risk for release, this can mean imprisoned offenders serving IPP sentences are often serving sentences at a greater distance from their children and family than those serving determinate sentences. This is due to the requirement to complete a variety of programmes to show reduced risk, resulting in imprisoned offenders being relocated to different prisons to complete such programmes as they are not available in every institution. Additionally issues regarding the availability of a place on these programmes may require families to travel further distances as imprisoned offenders will have to take a space where it is available regardless of the distance from their children and families.

This unique situation can lead to prisoners being held at a considerable distance from home and provides context for our research findings, which found that of the nine respondents, seven had to travel over 100 miles to visit the imprisoned offender, one of which was a 200 mile trip each way (Partner 2). It was noted for this reason, this respondent did not get to visit as regularly as they would like. The significance of this data can be observed when it is compared to the distance which male general population imprisoned offenders are held from their homes, which was found on average to be 50 miles (Prison Reform Trust, 2011). Clearly this adds to the stress of visiting for children and their carers, sometimes rendering

visiting impossible due to the cost; as demonstrated in the research by the fact that one imprisoned father has seen his son on only four occasions in the last two years (Mother 4). With such a distance to travel and a financial cost to bear, it is not inconceivable that children may not have the necessary access and option to visit incarcerated fathers who are subject to IPP, which could damage the strength of the relationship and create negative outcomes for the child.

The impact of lack of information for children and families

While the imprisonment of a parent to a determinate sentence undoubtedly has a severe impact on children's wellbeing, it is believed the nature of the IPP intensifies the existing disadvantages and incurs its own unique set of circumstances. An example of this is the issue of providing information to children regarding a parent's imprisonment. This already sensitive issue is even more problematic with the IPP, as with the lack of information or a release date it can be almost impossible to provide children with an understanding which can satisfy their desire for honesty and transparency. Agencies who support families where a parent has been imprisoned recognise how difficult it is for parents to talk to their children about imprisonment. There is a consensus that an age appropriate honest explanation is the best approach (Families Outside, 2012). However some of the advice given does not assist families where a father is subject to IPP sentence. For example Action for Prisoners Families advises:

'whatever length of sentence their parent is serving, try to give the child a sense of the future ... younger children may like to tick off days on a calendar' (Action for Prisoners Families – online).

It does not take much imagination to see how this advice cannot apply to those with IPP or other types of indeterminate sentences.

The IPP has been described as “unclear, inconsistent and uncertain” (David Cameron in Strickland & Beard, 2012, p.16). The issue concerning the sentence was not only is it difficult for the general public to understand, but those tasked with handing it down, sometimes did not fully understand the sentence either (Howard League, 2007; Ministry of Justice, 2010; Ministry of Justice, 2012; Strickland & Beard, 2012).

Strikingly, only one participant (Partner 1) was familiar with the IPP prior to sentencing and did not expect her partner to receive one. The remaining research respondents stated that once they were made aware of the nature of the IPP sentence, the information they were provided with about how the IPP worked was often misleading:

‘When he was sentenced, the judge says that if you behave in that time, and when your minimum sentence is up and you’ve done everything that you’ve been expected to do, then there will be no problem and you will be released ... but it’s not the judge that releases you – it’s completely different.... Even the solicitor didn’t explain it. All the information I got from the IPP was off the internet’. (Mother 2)

Therefore, if those who work within the Criminal Justice System cannot understand the IPP sentence, it is unlikely that children and their families can be expected to do so. Gampell (2015) echoes the view expressed in this article that the lack of clarity about the IPP is one of the most pernicious aspects of it for the children and family members of those who are sentenced to it. She explains how many of the prisoners she meets whilst assessing them for parole do not understand that the IPP is a type of life sentence, and therefore it is reasonable to surmise that their families do not understand it either.

When considering the lack of information provided regarding the nature of the IPP sentence it is perhaps not surprising that all the respondents who have a family member imprisoned and whose minimum tariff has been served expected their release following the completion of their tariff. The study revealed that the impact and ensuing realities of their realisation that this would not be the case, has prolonged their ordeal. The participants articulated a

multitude of areas through which information was obtained; however none of these involved any official sources, such as family support agencies, solicitors or the probation service. Indeed, the research found that the information provided through these formal channels was often incorrect. Rather it was found that the information was predominately acquired through word of mouth from other imprisoned offenders, which was then relayed back to families or through researching the sentence on the internet. It is then interesting to consider how a lack of, in addition to potentially mistaken information, may prove problematic for a child. If a family is of the belief that an imprisoned father will return upon the completion of their minimum tariff, assuming the child has been provided with an honest account explaining their fathers' absence, this unwittingly erroneous information may be shared with the child. When this does not materialise as expected due to the nature of the IPP, it has the potential to have a significant impact upon the child. In addition to the expected confusion, the child may potentially believe they have been intentionally lied to, reinforcing feelings associated with 'ambiguous loss', which involves children starting to doubt other aspects of what the adults around them tell them, which generates uncertainty and anxiety (Bockneck et al. 2009). This point was illustrated by one research respondent (Mother 2) who characterised the children in this situation as "living in limbo"

Financial impact

The financial impact of the IPP goes beyond merely the loss of a source of household income, as the research indicated there are a host of additional costs which compound the misery on families who continue to support an imprisoned offender serving an IPP sentence. One respondent explained how she required financial assistance from her family:

"I get £26 a visit but it costs me £40 worth of diesel to get there, plus the childrens' dinners and sweets for him when I get in. I'm out (financially disadvantaged) £60 -

£70 every time. I haven't got enough money, I have to borrow off my mum or my dad to pay for the diesel" (Mother 2)

However, not all the respondents had such networks of support to call upon. As shall be identified later, due to the breakdown of relations with the wider family unit, for many of the participants the onus is on them alone to ensure the imprisoned offender receives visits and financial support. This inevitably places more stress and financial pressure on these individuals.

The nature of the IPP sentence and its requirements can intensify the already significant financial hardships faced. While research has indicated that children attribute greater importance to spending time with their parents over material goods (UNICEF, 2011), the additional stress and monetary burden on the care-giving adults has the potential to directly impact on the experience of children. This financial impact goes beyond merely the loss of income identified, as there are a host of additional costs which compound the misery on families who continue to support an imprisoned offender serving an IPP sentence. As all but one respondent sent money to family members in prison, the majority of which was on a weekly basis, the financial impact was a recurring theme throughout the research.

Additionally, the sole respondent (Partner 1) who did not send in money to the imprisoned offender commented that she did previously; however, as her financial well-being has deteriorated during the prolonged imprisonment of her partner, she can no longer afford to. Uncertainty surrounding the length of sentence to be served means there is no foreseeable end to these costs, making it very hard to budget. This respondent observed how if she had known what the IPP entailed she would have exercised greater control over her finances and sent less money in to the imprisoned offender. As she had not been informed of the reality of the sentence, she believed her partner would be released at the end of his tariff.

Impact on the physical and mental wellbeing of the family

One of the central themes to derive from the research was around the feelings of hopelessness experienced by both the imprisoned offenders and their families. Concerning the imprisoned offenders, initially, this often took the form of lacking a full understanding of the implications of their situations, followed by a crushing realisation regarding the nature of the IPP sentence:

"It was when he was in prison and he rang me up and said 'I won't be out in a year'... because he had a 14 month tariff and I thought you usually do half of that so ... I thought he would do the 7 months and walk out so I said just keep your head down for 7 months and you'll be home, then he said 'no I won't ... I've got an IPP, I'm here as a life sentencer'" (Mother 3)

One respondent commented (Mother 4) how upon learning of the true nature of the IPP, her imprisoned family member asked for a 15 year determinate sentence as opposed to a 2 year IPP sentence. The imprisoned offenders' situations were compounded by an unclear and inconsistent provision of the courses required for release and mixed messages from professionals and the Parole Board. This study found that the imprisoned offenders were led to believe they would be released at their parole hearings upon the completion of the courses on their sentence plans. For all the cases in the research which had gone before the parole board, this had not been the case. Some individuals had completed all of the courses attached to their plans and nevertheless been refused their release. One imprisoned father had courses added to their plan at Parole Board hearings. Another imprisoned offender was denied the chance to move to a different penal institution to undertake the required courses, ensuring their release was all but impossible.

"He was rejected (for release) as 'further work needs to be done' to prove his risk to 'life and limb' had been reduced. No guidance about the nature of the work was given" (Mother 1)

This respondent provided an additional caveat, as she commented that neither she nor her imprisoned family member were getting their hopes up in regards to potential sentencing reviews, particularly as the imprisoned offender was sentenced pre-2008 and therefore would not have been eligible for an IPP had he been sentenced after these amendments. This situation has resulted in additional despair caused by perceived unfairness for these pre-amendment IPP prisoners, as those who have committed similar crimes have been released, while their imprisonment continues indeterminately (Prison Reform Trust, 2010). When discussing the imprisoned offenders one participant, (Mother 3), did offer a glimmer of hope, even in the bleakest of circumstances. Despite her son in her words being 'suicidal' she did express her belief that the imprisoned offenders' own son was the only thing keeping him going, stating '*he's the only reason he's staying sane*' (Mother 3).

Similarly to the data regarding IPP imprisoned offenders, it is believed that the issues which are faced by the families of IPP imprisoned offenders are intensified due to the indeterminacy and nature of the sentence. It is argued here that this profound impact can be demonstrated through the manifestation of various mental and physical health issues experienced by the research participants. Each of the research participants had noted a substantial change in their mental and/or physical health, which they attribute to the stress and anxiety of having a family member serving an IPP sentence. Six of the nine participants disclosed that they had been diagnosed with or treated for depression. The impact and nature of the IPP had such an effect that one participant (Partner 1) disclosed that they required grief counselling. This was necessary as the respondent felt as if she had suffered a loss akin to a bereavement as due to the indeterminacy and uncertainty of the IPP '*it's not a case of he'll be home one day*' (Partner 1).

When asked to describe the effect that imprisonment under the IPP had upon their mental and physical state the respondents stated;

“Having a partner on an IPP, leaves me feeling depressed and with no hope for the future” (Partner 2)

*“I’m trying my damnest to make sure that I don’t crumble, but it’s not that easy”
(Partner 3)*

“I’ve been diagnosed with fibromyalgia.....The doctor reckons it [the IPP] could have some significance on what I’ve been diagnosed with” (Mother 2)

The research found examples of mothers not being able to cope with their partner’s imprisonment. This in turn had a detrimental impact on the child’s ability to comprehend and handle the situation they found themselves in. For some children this severely impacted on their relationships with their mother and other family members, while in the words of one respondent, the imprisoned offenders children had gone “*off the rails*” (Mother 3). This respondent demonstrated how the unlikelihood of release of those subjected to IPP sentences impacted on the children involved stating:

“Whereas you say to his son, daddy could be home next week, there’s a parole hearing, then sorry no, the mental effect on this child is disgraceful ... when you go to a Parole Hearing and nothing happens you have to explain it to a kid all over againand its sent his 3 daughters way off the rope and all you get from them if you talk to them is ‘I’ll behave myself when my dad comes out’ (Mother 3)

Stigma and relations within the community

Often one of the most difficult challenges which is faced by the children and families of imprisoned offenders is the stigma which is attached to imprisonment. A study undertaken by Barnardo’s (2014) found that this stigma was particularly problematic for children and can directly impact on their relationships with their peers. One respondent commented that information can become skewed as ‘*Everybody exaggerates and little bits get added on*’

(Mother 2). In this case, by the time the news of the imprisonment and the offence of their partner spread throughout their community the rumours were “*100 times worse than what had happened*” (Mother 2).

The emotive language associated with the IPP can have a significant impact. As the IPP was intended to be exercised for the most serious violent and sexual crimes, the reaction and misunderstanding of the public over the nature of the sentence and the assumptions regarding the nature of the offence which has been committed can be problematic. A common theme among the respondents was the difficulty in coping with stigma in addition to an increased hostility due to an association with an offender who has been deemed dangerous. In the case of one respondent, this had resulted in the individual feeling they had no other choice but to leave their community and to move a substantial distance away from their family, home and employment. When asked to elaborate on why they felt this was necessary the respondent commented;

“...If you said my husband is on a sentence where there isn't a release date, 99% of people would think he was either a murderer or a paedophile.... People are very judgemental” (Partner 1)

This difficult situation in the community can have a detrimental impact on children. This could deprive a child of access to the support networks they have come to depend upon and may require them to separate from their friendship group. Alternatively, a family may remain within the community and find themselves ostracised, while the child may experience bullying or struggle in their interactions with other children. When combined with the sudden loss of a parent due to imprisonment, this tumultuous period and drastic change in circumstances can be especially damaging for a child, in terms of their development, education and physical and mental wellbeing (Barnardo's, 2014). Again, the subject of what and how much information a child is given access to is significant. If a child has not been

given all the information or lacks the ability to understand the true nature of the situation, there is the possibility that the child may blame themselves (Sale, 2006).

Relations with the family unit

The research undertaken revealed a mixed response from the wider family unit in relation to maintaining positive relationships. The relationship between fathers and their children had deteriorated in every case but one. The reason for this breakdown in contact stemmed from the ending of the relationship with the child's mother during imprisonment and in two cases had resulted in extremely negative circumstances for the children involved. In these cases it was the mothers of the imprisoned offenders who were interviewed rather than their former partners. While these respondents desired and attempted to maintain a relationship with the children involved, this proved problematic as the participants relationship with the child's mother had also deteriorated. This was attributed to the child's mothers' inability to cope with the circumstances of their partner's imprisonment.

Although there were examples of support for family members of imprisoned offenders from the wider family unit, due to the "barbaric" (Mother 5) nature of the IPP sentence, three of the nine respondents explained how they had experienced a complete breakdown in terms of ties and contact with family members. Of these three respondents, two (Partner 1 & Partner 2) had experienced a cessation of contact from both sides of the family unit. In cases where there has been a breakdown in relations with the wider family unit, a child can be deprived of vital support networks and denied the opportunity to engage with their extended family.

While it is not uncommon for family ties to breakdown due to imprisonment the unique nature of the IPP has proved particularly problematic. An interesting explanation of the how the IPP has contributed to the breakdown of family ties was presented by the mother of one of the IPP imprisoned offenders as she described how the indeterminacy and the length of time

prisoners have spent in prison under the IPP has proven to be the most problematic factor in maintaining these ties, as she explained:

“They don't understand him being kept in so much longer than his tariff and think either he or I are lying about his offence or that he's committed another offence in prison and is doing a sentence for that” (Partner 2)

The research has shown that aside from occasional visits from members of the wider family unit, the burden of visiting imprisoned offenders rests solely on the mother or partners. This can severely damage the relationship between fathers and their children, as one respondent (Mother 4) noted how one of the imprisoned fathers only sees his child two times a year.

No respite upon release

Addicott (2012) highlights the fact that offenders sentenced to an IPP can be recalled for minor breaches which are perceived to be evidence of increased risk, even though they may not involve new offences. Overall, since the introduction of the IPP, 565 IPP offenders have been recalled to prison following their release, making up 9% of the recalled prison population (HMIP, 2016). Further, Addicott (2012) notes that if prisoners subject to a licence in the community following their release from an IPP sentence are arrested and subsequently found not guilty, they still have to wait for the Parole Board to decide whether they can be released, which could take several months or much longer.

For this reason IPP prisoners often feel they will be “treading on eggshells” (Addicott, 2016: 31) long after their release. This means that the anticipation of release can generate considerable stress for IPP prisoners and their family members, marring what would usually be a cause for celebration. This is reflected in the research:

“When he does come home I think we've got a big struggle actually. I think it's going to be hard ... there's always somebody wanting to try and prove a point ... I know he

is scared that the slightest hiccup, or mess up he does, he will be put back in. He said he is not leaving the house for 10 years when he comes home, he is that scared” (Partner 1)

Families of IPP prisoners have good reason to fear the prospect of recall. Between 2015 and 2016 twice as many IPP prisoners were recalled as Life sentence prisoners (HMIP, 2016), despite the fact there are nearly twice as many Life sentence prisoners as IPP prisoners. The impact upon children of having their father recalled back to prison could be very devastating and unsettling, just when they have started to adjust to having him home. However, it should also be acknowledged that for some children their father’s recall could potentially be a relief if their father’s offending has brought additional stress and conflict into the family home.

Recent developments regarding the IPP

Whilst it is acknowledged that the public needs protecting from violent, dangerous and persistent offenders, far more attention needs to be paid to mitigating the impact of the prison sentences imposed, and particularly that of indeterminate sentences, on the children and families affected. In a statement made in July 2016, Professor Nick Hardwick, Parole Board Chairman and former Chief Inspector of Prisons, made suggestions about how the numbers of IPP prisoners could be reduced. He considered that even without further legislation it should be possible to reduce the number of IPP prisoners in prison to 1,500 by 2020 (Hardwick, 2016). A recent report by HM Inspectorate of Prison (2017) sets out expectations for family visits and makes specific reference to the needs of prisoners subject to indeterminate sentences, including the importance of knowledgeable staff explaining them to prisoners (HMIP, 2017). It is also hoped that the publication of the Farmer review in 2017, which stresses the important role that on-going family contact plays in assisting prisoners to desist from further offending (Farmer, 2017), will add further impetus to address the needs of

prisoners who are still subject to IPP sentences and their families. Additionally, the National Offender Management Service have attempted to consider how to increase the support provided to IPP prisoners to improve their chances of progressing through the system (HMCIP, 2016). However, at the time of writing, none of these measures have been confirmed. Understandably the research participants have indicated that they will not be getting their hopes up until their family member is released.

Conclusion

This article has set out to demonstrate how the unique nature of the IPP creates specific negative consequences for the children and other family members of those serving them than is the case with Life and determinate sentences. The research provides a view of the impact of the IPP sentence on children and families through the voices of partners and mothers of those serving it. Strong, recurring themes of uncertainty and a lack of hope regarding the future emerged from the findings, which document the immense distress and despair for those subject to sentences of IPP and their families. This uncertainty was directly related to and compounded by the poor provision of information about the sentences from figures of authority. Additionally, it was discovered that the anxieties and feelings of a lack of control experienced by the imprisoned fathers rippled out to the extent that they were also experienced acutely by their family members and children. This was found to have a significant affect upon both their physical and mental health. Likewise, the research respondents confirmed how the increased stigma and obstacles to contact in terms of the distances and high costs involved in visiting over a prolonged period of time made the experience of the IPP sentence more detrimental for families than when a Life or determinate sentence is served.

It is strongly believed that families and children deserve a voice and consideration within the Criminal Justice System, going further than merely considering how they can be positioned

as a tool in reducing reoffending. This research has endeavoured to highlight the need and urgency for action to ensure IPP prisoners, their families and children get the justice they deserve. However it is feared that in the cases of many, the damage which has already been caused may be irreversible.

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