



Date **15 April 2015**

Position statement **Families Left Behind**

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## **Background**

Families Left Behind is an awareness and information campaign which has been developed through an alliance of national charities: Pact, a charity which provides services for people affected by imprisonment and which founded the alliance, Action for Prisoners' Families, the NSPCC and Barnardo's.

The campaign has focused on the families of convicted offenders who are sentenced to immediate custody. In some cases, dependants have been left without means of support or care once an offender is imprisoned.

## **Proposal by the campaign**

A new clause "Protection arrangements for children and dependants", tabled by Lords Blair, Low and Hodgson, was tabled as an amendment to the Criminal Justice and Courts Bill (now the Criminal Justice and Courts Act 2015). The clause relates to the children or other individuals who might be dependent on offenders and therefore require assistance if a custodial sentence was to be imposed.

The clause would require the court to ask offenders whether there the offender had any dependants and whether provision was in place for them, and (depending on the reply) require the court to authorise one of a number of steps to ensure that such provision was put in place.

## **The MA's position**

The MA supports the general aim of ensuring any harm to children or vulnerable adults is minimised as a consequence of an offender on whom they are dependent being remanded or sentenced to custody. The MA is happy for magistrates to assist this, where it properly falls within remit.

Our concern is to ensure that this is done in a way which works and which does not impede the proper functioning of the courts. It is important that any reform avoids placing magistrates in the position of asking questions without having any appropriate means of dealing with the answers. There are also questions, which are beyond the MA's remit but which should be considered, about how to ensure that these needs are identified at the earliest possible stage.

The MA welcomes the opportunity to continue discussing with relevant stakeholders how the overall aim might be achieved.