



‘The Lang Whang’(The Long Journey): the hidden impact of Scotland’s longest prison sentences

Chloe Hampton, Prof. Nancy Loucks and Karen Armstrong
In partnership with the Building Futures programme

Families Outside

Families Outside is the only national charity in Scotland that works solely on behalf of children and families affected by imprisonment. Founded in 1991 as the Scottish Forum on Prisons and Families, we speak to thousands of families each year, providing information and support on issues such as housing, finance and emotional support. Our Vision is for all children and families affected by imprisonment to be treated with justice and fairness so that they can live lives free from stigma and disadvantage. Our Mission is to improve outcomes for children and families affected by imprisonment, creating and promoting opportunities for families to uphold and defend their rights.

Our [Helpline](#), **0800 254 0088**, provides impartial information and support and is often the first port of call for families looking for help. If people require more in-depth support, our Regional Family Support team is on hand throughout Scotland and can offer locally based [1:1 support](#) until a positive outcome is reached. We also provide tools, resources and training to professionals and interest groups who come into contact with families affected by imprisonment. From prison staff and social workers to health care professionals and teachers, our accredited training sessions increase the awareness of the issues and challenges faced by families and ensure that they continue to receive the support that they need.

For more information, go to <https://www.familiesoutside.org.uk>

Prison Reform Trust (PRT)

PRT is an independent UK charity working to create a just, humane and effective penal system. It was founded in 1981 to inform and influence public debate on prison conditions and the treatment of prisoners, amidst concerns about a projected prison population of 48,000 by 1984. With the prison population in England and Wales now approaching 88,000 and projected to rise to 98,700 by 2026,¹ PRT remains as important to civic society today as it was then. We are one of the few organisations willing and equipped to hold the state to account for its treatment of vulnerable people in prison. Our reputation, built over four decades of knowledgeable, reliable analysis and presentation of the facts, gives us influence behind the scenes that few organisations can match. Our main objectives are:

- Reducing unnecessary imprisonment and promoting community solutions to crime.
- Improving treatment and conditions for prisoners and their families.
- Promoting equality and human rights in the justice system.

We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. Whilst often working alongside the prison service and maintaining close links with government departments including the Ministry of Justice (MoJ), His Majesty's Treasury (HMT) and the Home Office, to retain its independence PRT does not seek or accept government funding. The structure and rigour of programmes are agreed with those trusts and foundations that generously fund our work.

<https://prisonreformtrust.org.uk/project/building-futures>

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¹ Ministry of Justice. (2020). Prison Population Projections 2020 to 2026, England and Wales. https://assets.publishing.service.gov.uk/media/5fbf83ae8fa8f559e44d2dad/Prison_Population_Projections_2020_to_2026.pdf

Foreword

Imprisonment fractures families. The growing research on the impact of imprisonment has moved from describing families as ‘hidden victims’, ‘collateral consequences’ and ‘symbiotic harms’², but all agree that families, innocent of the crime, suffer the punishment alongside the person convicted of the offence. The individual experiences of families will vary, with some possibly even relieved that someone has gone to prison, for example if they had been the direct victims, or in the hope that treatments for mental ill health or substance misuse were available. None will be untouched by the experience.

The Prison Reform Trust’s Building Futures programme looks specifically at the impact of very long-term prison sentences on the people serving them, and in this report, on the people left behind as a consequence. Most of the issues that families face are similar, regardless of the length of the time in custody. However, the extended duration of the time away intensifies the experience, drawing it out over generations, often with tortuous impacts on physical and mental health, relationships, housing and finances. This is something that for some families may never end. In Scotland, the continued option for judges to impose Orders of Lifelong Restriction means that nearly 300 people face indefinite detention, unlike in England and Wales, where the equivalent penalty of Imprisonment for Public Protection can no longer be imposed.³

Families Outside has long worked in partnership with PRT, recognising how intertwined the lives of families are when one or more family members go to prison. We share policy priorities across borders and criminal justice systems and recognise the added strength and camaraderie of addressing these together where we can. *‘The Lang Whang’* is another example of one such collaboration, and I am pleased to commend the findings to you.

Prof Nancy Loucks OBE
Chief Executive, Families Outside

2 Condry, R. and Minson, S. (2021) “Conceptualizing the effects of imprisonment on families: Collateral consequences, secondary punishment, or symbiotic harms?” *Theoretical Criminology* 25(4), 540-558.

3 IPPs can no longer be imposed, but many people subject to IPPs remain in custody.

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Executive summary

This consultation is a collaboration between Families Outside and the Building Futures programme at the Prison Reform Trust (PRT), which explores the lived experiences of partners and families affected by very long-term prison (VLTP) sentences in Scotland. These include determinate sentences over 10 years, life sentences and indeterminate sentences such as the Order of Lifelong Restriction (OLR). This report, part of the Prison Reform Trust's Building Futures programme, draws on distinct Scottish legal and policy contexts, including the continued use of OLRs and other recent legislation and policy which affects families affected by imprisonment.

Methods

Ten semi-structured qualitative interviews were conducted with people affected by the very long-term imprisonment of someone close to them. The criteria used were that the imprisoned person must have been sentenced to at least ten years if a man or eight years if a woman. Interviews were conducted online, by phone or in person. While the sample size was subjectively small, the quality of the data provided deep insights into the enduring impacts of VLTP sentences on family members. Thematic analysis identified key patterns across interviews, which are illustrated through anonymised quotes and case studies throughout.

Findings

The key themes emerging from the research are:

- Emotional and psychological impact: participants often felt perpetual sadness and despair, feelings of disenfranchised grief and a lack of required support and/or information.
- Actual and perceived stigma: some participants had direct experiences of covert and overt stigmatisation, and others lived in constant fear of judgement or blame.
- Symbiotic harms: participants felt impacts on their emotional and financial state as well as negative effects on their quality of life, with intra- and extra-familial relationships damaged. In addition, children's rights were often not upheld.
- Inconsistencies across the prison estate: participants reported increased stress and anxieties caused by a lack of consistency across the prison estate. This existed between different prisons but also between staff members within the same prison.
- Worries for release: participants worried for the person in prison's release, with major concerns around how they would resettle in a society which is greatly different from when they were first imprisoned a decade or more ago.

Conclusions

VLTP sentences clearly impose enduring and compounding harms on kin. These impacts are exacerbated by the indeterminate nature of both life sentences and OLRs. The failures within the Scottish prison system relating to sentence progression worsen these harms. Despite the recent Scottish Prison Service Family and Parenting Strategy, which offers promising outcomes, its implementation appears to be inconsistent and often ineffective. Participants reported experiences of visiting which were damaging for children, potentially breaching their children's rights.

Recommendations

This report proposes six key recommendations:

1. **The Scottish Prison Service and/or third sector organisations such as Families Outside should provide clear, practical and tailored information for families impacted by VLTP**

A resource including, but not limited to:

- What to expect at each stage of a very long-term prison sentence (eg pre-sentencing, life in custody, sentence progression, parole and release).
- How to deal with practical matters such as managing the imprisoned person's affairs (eg selling property or vehicles, managing finances or benefits).
- Guidance on legalities and prison processes (eg progression, parole, appeal rights, visiting).

2. **The Scottish Prison Service, courts, education bodies and social services should introduce multi-agency agreements to implement meaningful, tailored support at key stages**

Tailored support should be offered to those affected at all stages of the prison journey. This requires a multi-agency approach meaning all agencies involved should have an understanding of how imprisonment and VLTP sentences impact partners and families, so that they can treat people with empathy and provide relevant support/advice. Key areas for support include:

- Pre-sentencing.
- Post-sentencing.
- Pre- and post-release.
- Child-centred and rights-focused support.

3. **Increased empathy and trauma-informed practice must be embedded across the Scottish Prison Service, courts, education bodies, social services, healthcare and third sector organisations**

Those impacted by imprisonment require empathetic, informed and consistent support from prison staff, social workers, schools and healthcare providers. Participants in this study often felt dismissed, judged or left to navigate traumatic situations alone. Broader professional awareness of the impacts of very long-term imprisonment is crucial.

4. **The Scottish Prison service must fully implement and operationalise the key principles set out in the SPS Family and Parenting Strategy**

Key principles:

- Families are treated with dignity and respect.
- Families are included and engaged.
- Children's rights and best interests are at the centre of our policy and practice.
- Families are diverse and unique.
- Partnership working is essential to achieving positive outcomes.

The Scottish Prison Service should be able to provide evidence towards meeting the self-prescribed outcomes outlined in the strategy as shown in Table 3.

5. **The Scottish Prison Service should ensure consistency and accountability across the prison system**

More uniform practices across SPS establishments, especially for those that directly impact the families of people in prison, and transparent communication of these rules and processes to kin are key. In instances where rules must change or differ, families should feel able to ask questions without fear of scrutiny.

6. The Scottish Prison Service should implement peripatetic delivery of progression-related courses

Programmes required for parole should travel from prison to prison rather than requiring people to transfer to other establishments to access these.

7. The Scottish Prison Service and prison visitors' centres should offer facilitated family workshops

The offering of SPS facilitated family workshops, whereby the SPS is more forthright about how families/ kin can be involved in the imprisoned person's prison journey, could be beneficial in alleviating worries and improving relationships between kin and the prison system. This recommendation aligns with a number of the SPS Family Strategy outcomes.

About this report

The Building Futures programme

Building Futures, the Prison Reform Trust's (PRT) programme funded by the National Lottery Community Fund, explores the experiences of people serving very long prison sentences. The programme has defined its long-term cohort to include men who will spend ten or more years in prison, and women who will spend eight years or more, providing them with the space to advocate for themselves, bringing about change from within the system and shedding light on the human cost of long-term imprisonment. Through consultation, advocacy and research, Building Futures works alongside those with direct experience of very long-term imprisonment to demonstrate the true impact of ever-increasing sentence lengths.

A fundamental component of this work is the development of a network of people in prison or formerly in prison with direct experience of long-term imprisonment to allow for impactful collaboration with those the programme represents. The Building Futures Network is made up of members of PRT's larger Prisoner Policy Network, which was launched in July 2018 and now has an active membership of about 900 people, including those who are serving or have served very long prison sentences and their family members. These voices enrich our understanding, and our work provides a platform for people to contribute their thinking and expertise on the policies that affect their lives. It is their priorities that drive the strategic direction of Building Futures.

The purpose of this consultation

This report mirrors similar discussions conducted with families in England and Wales as part of the Prison Reform Trust's Building Futures programme.⁴ The families of people in prison serve the same amount of time apart from their loved ones, arguably with greater uncertainty and vulnerability, without being convicted of a crime. This report listens to their experiences first-hand to understand what long-term imprisonment means for them and to identify what might make this easier for them.

Families in Scotland face a different context to those in England and Wales, with separate criminal justice processes and a separate prison system. Significantly for families and partners of people serving very long prison sentences, a sentence of indeterminate duration can still be imposed: the Order of Lifelong Restriction (OLR) still exists in Scotland, whereas the equivalent sentence in England and Wales, Imprisonment for Public Protection (IPP), can no longer be imposed. In addition, legislation introduced in 2016 requires all people serving long-term prison sentences to remain in prison until six months prior to their release date, limiting the window of time for a supported transition from custody to the community. Meanwhile, additional rights for children and families have been introduced through full incorporation of the UN Convention on the Rights of the Child in Scots law, something which, in theory, should have a positive impact on aspects such as family contact. Families' experiences in Scotland therefore needed to be considered independently from those in England and Wales.

Methods and limitations

This consultation consisted of 10 semi-structured interviews with participants who identified as having experienced the very long-term sentence of a partner, ex-partner or close family member in Scotland. Eligibility required the person in prison to have been sentenced to ten or more years if a man, or eight or more years if a woman, as per the Building Futures programme's definition. Six of the interviews were conducted online via Microsoft Teams, two at the participants' homes and two over the phone. The number of participants is small. However, due to the participant pool being both limited and challenging to access in the time and resources available, this number was deemed sufficient for the exploratory nature of this project. The depth and richness of the qualitative data collected allows for the intricacies of the participants' experiences to be explored in a more nuanced way.

We collected data on gender, ethnicity, age and employment status of the participants. All participants identified as female. Nine participants identified as White Scottish, whereas one identified as White British. Nine of the participants had a male family member who had been in prison, with the remaining one having experienced the imprisonment of a female family member. This is proportionate to the Scottish prison population, as only 4% of the current prison population is female.⁵ Half (five) of the participants were mothers whose son was in prison; two had their male partner in prison; one had their male ex-partner, who is also the father of her child, in prison; and two had their sibling in prison (one brother and one sister). We did not intentionally exclude participants who did not have or want contact with the person in

4 Woolsey, R. The Long Stretch: The emotional impact of long-term imprisonment on loved ones (in press).

5 Scottish Government (2023). Scottish Prison Population Statistics 2022-23 A National Statistics Publication for Scotland <https://www.gov.scot/publications/scottish-prison-population-statistics-2022-23/>

prison, however, nine out of ten were in contact with the person in prison. The final participant was not in contact with the person in prison, but this was by the choice of the person in prison. This is recognised as a limitation of this research, as the experiences of those not in contact with the person in prison fail to be recognised. It would be beneficial to conduct further research which hears the voices of this particular group.

Participant ages ranged from 31-72, with seven out of the ten being over the age of 51. Three participants reported being employed full-time, three were part-time employed, two were retired, one was on disability payments and one was unemployed. The employment status of these participants differs to that in other research on the impact of imprisonment, such as in one study where only one of 19 participants reported being in stable employment.⁶ Thus, although exclusion from employment is often faced by those affected by imprisonment,⁷ this data demonstrates that the characteristics of families affected by imprisonment can vary greatly.

The topics for discussion covered a range of experiences related to their family member’s imprisonment (Table 1):

Their current feelings in relation to the imprisonment	The impacts on their quality of life	Experiences of keeping in touch via phone, video calls, etc.
The impacts of the imprisonment	Their experiences of accessing relevant support	The financial impact of keeping in touch
Their experience of media and societal reactions	Identifying gaps in available support	The time and effort of keeping in touch with the person in prison, and how this can affect other aspects of life
Emotions felt throughout the imprisonment	How family experiences can be improved	Whether they are worried about the person’s release from prison
Ability to discuss these emotions with the person in prison	Their experiences of visiting	Alternative methods of sentencing

Report structure

The next section of this report explores how trends in sentencing in Scotland have impacted the size of the very long-term prison (VLTP) sentenced population. It includes a discussion of mandatory life sentencing for murder and the Order of Lifelong Restriction (OLR) and notes the proportionally large number of people in Scotland sentenced to life in prison. The second section outlines the policy landscape, where we discuss relevant policy and legislation as well as the Scottish Prison Service’s recent Family Strategy, which was developed in recognition of the impact that imprisonment has on families, family life and communities.

The key themes interpreted from the data are then discussed: the emotional and psychological impact; experiences of perceived and actual stigma; symbiotic harms such as financial impact or effects on quality of life; inconsistencies across the Scottish prison estate; relationships with the person in prison; and worries for their release. These themes display the complexity of the impacts felt as a result of a VLTP sentence as opposed to a shorter sentence.

Direct anonymised quotes and case studies set the participants’ lived experiences within the wider context and available literature. This also allowed us to maintain the participants’ meanings within nuanced discussions and the researchers’ interpretations. We have given the participants pseudonyms and changed any identifiable details to protect their anonymity.

The final sections offer conclusions and concrete recommendations for change with an emphasis on the need to recognise the unique impacts of very long-term sentences on the families left behind.

6 Jardine, C. (2015). Constructing Family in the Context of Imprisonment: a study of prisoners and their families in Scotland.

7 Barkas, B, Deacon, K, Foster, R, Jardine, C, Primrose, K & Troy, V. (2021), Getting it Right for Families Affected by Imprisonment. Glasgow. <https://www.sccjr.ac.uk/wp-content/uploads/2021/06/Getting-it-right-for-families-Briefing-Paper.pdf>

Very long-term prison sentences in Scotland

A 'long-term' sentence in Scotland is defined by any sentence which is four years or more. Within this research, sentences over 10 years include life sentences, determinate sentences over 10 years or other indeterminate sentences such as the OLR, whereby a person has served over 10 years, regardless of their given punishment part.⁸ There is no real distinguishable terminology for those serving a sentence of 10 or more years in Scotland. Thus, for the purposes of this report we define the person in prison as someone serving a very long-term prison (VLTP) sentence. In 2022, 19% of the Scottish prison population were serving 10 or more years, compared to 16% in England and Wales.⁹ In 2022, Scotland had proportionately the highest number of people sentenced to life in prison in Europe.¹⁰ Mandatory life sentences for murder and the consistent increases in length of punishment parts as well as the use of OLR in Scotland contributed to this. The punishment part given to those serving life sentences in Scotland has increased from an average of around 14 years in 2004-05 to an average of 19 years in 2021-22.¹¹ Proportionately more women are serving life sentences than men (16% and 14% respectively). However, 3% of men are serving OLRs compared to zero women. In addition, 74% of those serving OLRs are currently over tariff, meaning they have served time beyond their given punishment part.¹² Despite arrivals to prison increasing by 11% on the previous year, this percentage still remains lower than pre-pandemic levels. There was a 6.5% increase in departures from prison, but this statistic also sits below pre-pandemic levels.¹³ This could potentially be explained by increasing sentence length or reductions in the number of people serving indeterminate sentences being granted parole. The number of people serving determinate sentences of 10 or more years has grown from 194 in 2012-13 to 328 in 2023-24.¹⁴

Considering this, by default, a proportionately larger number of families are affected by the very long-term sentencing of a partner or close relative compared to England and Wales or other countries in Europe. Moreover, 60% of respondents in the most recent Prison Survey in Scotland reported having children.¹⁵ With the recent incorporation of the United Nations Convention on the Rights of the Child into Scots Law, recognising the harms experienced by children affected by VLTP sentences is crucial if we are to understand how these sentences affect their rights and uphold the law (see policy section for more detail).

The experiences of families affected by imprisonment are complex and often traumatic. For those whose family members are serving VLTP sentences, the findings presented in this report demonstrate that these experiences become further embedded into the lives and identity of those on the outside and affects their wellbeing and quality of life. Furthermore, the experience of 'disenfranchised grief'¹⁶ is further pronounced amongst this group, with families and loved ones grieving the person in prison for at least a decade, but often much longer than this. Further research on families' experiences and long-term effects of disenfranchised grief due to a VLTP would be valuable.

Lastly, the proportion of non-British nationals in Scottish prisons has increased significantly in recent years, from 5% to 9%.¹⁷ While British Nationals make up 90% of the general population outside prison, meaning that 9% is not an inherently disproportionate figure, this should be closely monitored to identify any concerns in relation to ethnic disproportionality. As noted, all the participants that we interviewed identified as either White Scottish or White British, which we recognise as a limitation of the sample. There was no discussion of additional harms to families which are unique to non-British nationals such as the threat of deportation after serving a sentence, which likely correlates to this limitation in the sample.

8 A punishment part is the set amount of time an individual convicted of a life sentence or OLR must spend in prison before they are considered for parole.

9 McGhee, J., McMillan, S., & Reilly, J. (2023). *The very long-term prison population in Scotland: A scoping document*. Scottish Prisoner Advocacy and Research Collective (SPARC).

10 Aebi, M. F., Cocco, E., & Molnar, L., (2023). SPACE I - 2022 – Council of Europe Annual Penal Statistics: Prison populations. Council of Europe and University of Lausanne: Tables 10-11. https://wp.unil.ch/space/files/2023/06/230626_Key-Findings-SPACE-I_Prisoners-and-Prisons-in-Europe-2022.pdf

11 Scottish Government. (2023). Experimental statistics on the length of the punishment part of life sentences and OLRs: Table A. <https://www.gov.scot>

12 McGhee, J., McMillan, S., & Reilly, J. (2023). *The very long-term prison population in Scotland: A scoping document*. Scottish Prisoner Advocacy and Research Collective (SPARC).

13 Scottish Government. (2024). Scottish Prison Population Statistics 2023-24. Retrieved from https://wp.unil.ch/space/files/2024/01/240111_SPACE-I_2022_FinalReport.pdf

14 Ibid.

15 Scottish Prison Service (2025). Prison Survey 2024.

16 'Disenfranchised grief' is experiencing loss that a person feels unable to mourn publicly; the loss of someone where the relationship is not validated or understood by others; or when others see the loss as trivial or don't understand it; Doka, K. J. (2008) Disenfranchised grief in historical and cultural perspective. In M. S. Stroebe, R. O. Hansson, H. Schut, & W. Stroebe (Eds.), *Handbook of bereavement research and practice: Advances in theory and intervention* (p. 223–240). American Psychological Association

17 Scottish Prison Population Statistics (2023-24) Available at: <https://www.gov.scot/publications/scottish-prison-population-statistics-2023-24/pages/individuals-experiencing-imprisonment/>

Policy landscape

The use of the Order of Lifelong Restriction (OLR) sentence in Scotland and the mandatory life sentencing for murder convictions are key when illustrating the context of this study. The OLR was first introduced in the Criminal Justice (Scotland) Act in 2003. The OLR must comply with Article 5 of the European Convention on Human Rights, meaning the right to liberty and security of the person and that liberty can only be deprived in certain situations and in accordance with a procedure prescribed by law. Despite this a recent discussion paper from the Scottish Human Rights Commission (SHRC) highlights concerns that people serving OLR are “at risk of experiencing violations of their rights to liberty and to private and family life”. They note that the psychological distress caused by the lack of certainty around when they will be released may result in “inhuman or degrading treatment”.¹⁸ Since its introduction, calls have been made for the removal of the OLR sentence in Scotland, with the NOLR Campaign asking for an end to the “ineffective and damaging sentence”.¹⁹ While the SHRC does not call for the abolition of OLR, it recommends that the Scottish Government must make proper consideration of the administration of the OLR sentence.²⁰ Support from UNGRIPP and IPP in Action led to an Amendment to the Victims and Prisoners Bill (England), leading to a change in legislation to end all existing IPP sentences (Imprisonment for Public Protection). Despite this, the OLR has yet to be reviewed. The Risk Management Authority released a report noting that as of December 2022, of the 257 individuals given an OLR since its inception in 2006, only 17 had been released from custody. Four were released on compassionate grounds and are now deceased; an additional person who was not released on compassionate grounds is also deceased; six are managed in the community; and six have been recalled to custody.²¹ This leaves the remaining people serving an OLR²² still in prison in closed conditions. In comparison, all but 1,035²³ people serving IPPs have been released. In short, this means that only around 15% of those serving OLR have ever been released, compared to 87% of those serving IPP, raising significant questions about the humane use of this sentence type.²⁴ One participant, whose brother was sentenced to OLR with an 18-month punishment part but is still currently serving his sentence 18 years later, spoke to this issue:

I feel that we have been for a long time in a very hopeless situation. There doesn't seem to be any prospect of him ever being released, and it's got far more to do with the OLR sentence than it does with him. I'm sure you can imagine with an 18-month punishment part, his offence was not of the more serious type that OLR was designed for.

Sarah

It is also important to note the changes made in 2016 to the automatic early release of those serving long-term sentences (four years or more). The Prisoners (Control of Release) (Scotland) Act 2015, which came into effect on 1 February 2016, means that those people sentenced to four years or more on or after this date will now be released automatically six months prior to the end of their sentence as opposed to the previous threshold of the two-thirds point of their sentence (provided they have not already been granted parole). This change is more significant for those who are serving very long sentences as the additional time they must serve (if not granted parole) becomes notably higher as shown in Table 2. This means that families of people serving VLTP sentences are disproportionately affected by the 2015 Act.

18 Scottish Human Rights Commission. (2024). A human rights analysis of orders for lifelong restriction: A discussion paper. Scottish Human Rights Commission. <http://www.scottishhumanrights.com/>

19 See the NOLR Campaign Group website for more information: <https://nolr.org/>

20 Scottish Human Rights Commission. (2024). A human rights analysis of orders for lifelong restriction: A discussion paper. Scottish Human Rights Commission. <http://www.scottishhumanrights.com/>

21 Risk Management Authority. (2023). 2023–24 Initial Insights: Full version [PDF]. Retrieved from <https://www.rma.scot/wp-content/uploads/2023/11/2023-24-Initial-Insights-Full-Version.pdf>

22 As of 2022, 17 people have died and 7 have successfully appealed this sentence, leaving 216 people in custody serving an OLR sentence, according to data from the Risk Management Authority. (2023). 2023–24 Initial Insights: Full version [PDF]. Retrieved from <https://www.rma.scot/wp-content/uploads/2023/11/2023-24-Initial-Insights-Full-Version.pdf>

23 However, please note, between January and September 2024, 471 individuals with an IPP were recalled. Pratt, P. (2025, June 30). *Helping the IPP stain disappear*. Inside Time. Retrieved July 30 2025 from <https://insidetime.org/information/helping-the-ipp-stain-disappear/>.

24 Data on IPP: <https://lordslibrary.parliament.uk/sentences-of-imprisonment-for-public-protection-updated-action-plan/> (accessed 9 November 2025)

Table 2: Comparison of release thresholds before and after the implementation of The Prisoners (Control of Release) (Scotland) Act 2015

Sentence Given	Automatic Release pre2015 Act	Automatic release post-2015 Act	Potential additional time served
4 years	2 years & 8 months	3 years & 6 months	10 months
10 years	6 years & 8 months	9 years & 6 months	2 years & 10 months
20 years	13 years & 4 months	19 years & 6 months	6 years & 2 months

Additionally, concerns have been raised regarding failures within the progression pathways for people in Scottish prisons. For example, a report by His Majesty’s Inspectorate for Prisons in Scotland (HMIPS) showed consistent delays in providing risk management-related programmes to people in prison, which are often required to be completed before the Parole Board will conduct their hearing.²⁵ Individuals in prison feel frustrated in relation to delays when trying to progress to the National Top End (NTE) (less secure conditions) or Open Estate.²⁶ Both the NTE and the Open Estate allow individuals to take their first steps back into the community by being given the opportunity to have either escorted or unescorted leave in the community for work placements or to visit family. The level of freedom given depends on risk management and at which stage of the progression pathway individuals are. Individuals were concerned about the lack of clear and consistent information on how to progress, and worryingly, Personal Officer’s²⁷ knowledge was sometimes lacking or incorrect in relation to progression.²⁸ Issues with progression affect not only the people in prison, but their families, leading to uncertainty about when progress will occur and what will happen going forward.

Significant in relation to this research, the Scottish Prison Service’s (SPS) Family and Parenting Strategy (2024-2029)²⁹ was developed in recognition of the impact that imprisonment has on families, family life and communities. As of June 2025, 8,106 people were in custody in Scottish prisons. Just over 1,700 of these people were being held on remand, 6,000 were sentenced, and the remaining 366 were convicted awaiting sentencing.³⁰ An estimated 20,000 to 27,000 children in Scotland each year experience a parent’s imprisonment.³¹ Therefore, recognising the impacts that imprisonment has on families is crucial. The SPS Family Strategy describes how the institution and its staff intend to work to improve outcomes for families. It was developed with contributions from external agencies that work with families, children and young people, and the SPS staff and managers themselves. The strategy focuses on strengthening and maintaining family ties, which despite being positive, fails to recognise the experiences of families who do not want to, or are unable to, be in contact with the person in prison. Positively, the strategy recognises wider and extended family networks, if the person in prison identifies these, to yield a meaningful and positive relationship. For people with experience of care, this may include carers, siblings or friends. Selected outcomes of the strategy are shown on page 9 (Table 3).

25 HM Inspectorate of Prisons for Scotland. (2024). *A Thematic Review of Prisoner Progression in Scottish Prisons*. Retrieved from https://prisonsinspectoratescotland.gov.uk/sites/default/files/publication_files/A%20Thematic%20Review%20of%20Prisoner%20Progression%20in%20Scottish%20Prisons_0.pdf

26 Ibid.

27 Personal Officers provide support to allocated individuals who are in the care of Scottish Prisons.

28 HM Inspectorate of Prisons for Scotland. (2024). *A Thematic Review of Prisoner Progression in Scottish Prisons*. Retrieved from https://prisonsinspectoratescotland.gov.uk/sites/default/files/publication_files/A%20Thematic%20Review%20of%20Prisoner%20Progression%20in%20Scottish%20Prisons_0.pdf

29 Scottish Prison Service (2024) Family and Parenting Strategy: 2024-2029 <https://www.sps.gov.uk/sites/default/files/2024-06/Family%20and%20Parenting%20Strategy%202024%202029.pdf>

30 Ibid.

31 Scottish Government (2017) Justice in Scotland: vision and priorities. Available at: <https://www.gov.scot/publications/justice-scotland-vision-priorities/>

Table 3: Outcomes from the SPS Family Strategy (excerpt)

Short Term	Medium Term	Long Term
Families supported to maintain positive relationships with person in prison	Families report feeling included or engaged in decisions that affect them	More families feel they are listened to
Staff understand children's rights	Families report having greater access to accessible information relevant to their loved one's journey while in custody	Families report feeling treated with respect and not feeling stigmatised
Families have a good experience when visiting	Use of non-stigmatising language	Families' needs are represented through SPS policy

Source: Scottish Prison Service Family Strategy 2024-2029

Now into the second year of the Family Strategy, we may expect to see some positive results in relation to the short- (or even medium-) term outcomes. However, Laura felt strongly the opposite:

The relationship I've managed to build between my daughter and her dad has been amazing under the circumstances, however, has been made more difficult by SPS staff, policies, procedures, security, the lot. None of this has had my daughter's consideration. Her children's rights have been breached.

Laura

The key principles of the SPS strategy are:

- Families are treated with dignity and respect.
- Families are included and engaged.
- Children's rights and best interests are at the centre of our policy and practice.
- Families are diverse and unique.
- Partnership working is essential to achieving positive outcomes.

Considerations as to whether participants feel the strategy outcomes and principles are being met or not, will be made throughout this report.

The Scottish Government's Vision for Justice 2022 also recognises the negative effects faced by families affected by imprisonment. They note that parental imprisonment is a recognised Adverse Childhood Experience, and that young people who have experienced familial imprisonment can struggle to maintain relationships with family.³² Continuation of relationships with a parent or carer, and ensuring children and young people are given information in order to process their experience, are both considered to be protective factors in the case of parental imprisonment.³³ Early and quality contact with their parent in prison is seen to be vital.³⁴

Further related to children and young people affected by imprisonment is the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC, incorporated into Scottish domestic law in 2024, embeds children's rights into all aspects of civil society in Scotland. This includes children with a parent or other close family member serving a VLTP sentence. For example, Article 2 of the UNCRC prevents discrimination against children based on their own or their parent's status. Children with a parent in prison regularly face discrimination on this basis. Article 3 states that the best interest of the child must be a primary consideration in any decision that affects them. In the case of a child where someone is serving a VLTP sentence, this would include decisions about sentence, location, contact and parole over an extended period. Article 8 protects children's right to their own identity, rather than one solely connected to the imprisonment. Article 9 provides for contact with a parent, unless this is against the child's best

³² Scottish Government (2022) *Vision for Justice in Scotland 2022*. Available at: <https://www.gov.scot/publications/vision-justice-scotland/> (Accessed: 9 July 2025).

³³ Ibid.

³⁴ Ibid.

interest. Articles 12 (a voice in decisions affecting them), 16 (right to privacy), 17 (right to information) and 20 (right to support when they can't be in the care of their parents) all apply here as well.

In the case of very long sentences, broader protections regarding rights to housing and an adequate standard of living (Article 27) and access to education (Article 28) may be more likely to come into play, as loss of income and efforts to visit compound over time. The benefit of the incorporation of the UNCRC is that it recognises the whole child rather than 'pigeonholing' children according to a single context such as a close family member's imprisonment. The challenge is ensuring that incorporation is implemented and understood in practice, especially in the adult-centric context of criminal justice processes.

Key themes

During analysis of the data, it became clear that despite many of the overarching themes being akin to those experienced by families of people serving other sentence lengths,³⁵ the key difference is that these experiences become far more entrenched into the lives of those with kin serving a very long prison sentence. For most participants, the imprisonment of their family member has become a long-standing piece of their lives and identities. The challenge of disenfranchised grief is pronounced, with participants in this study grieving the person in prison for at least 10 years, if not for multiple decades. Furthermore, worries amongst the participant group relating to the person's release from prison often centred around concerns about how the world has changed, manifesting as serious concerns as to how they would resettle in a world which is very different from when the imprisonment began.

This interpretation is not intended to diminish the impacts experienced by people whose family members faced a sentence shorter than that of those included in this research, nor to undermine the experiences of the victims of crimes which were mostly of a serious nature in line with the length and type of sentences received. However, it is important to acknowledge the perpetual despair and grief the participants within this study faced – people who have not committed the offence – in relation to the study's aims.

Emotional and psychological impact

The vast majority of participants cited anger as a key emotion felt throughout the experience. Where this was projected varied between being towards the person in prison, the criminal justice processes, the prison system and, in a couple of cases, towards the victims. Other key emotions participants raised were sadness, despair, grief, isolation, fear and embarrassment. Some participants struggled to process that their kin could commit such a crime, exacerbated in some cases where this was their first experience with the criminal justice system. The emotional and psychological impact is perpetual and makes thinking to the future difficult for many:

Say he serves nine years [of eleven], I can't see for the next six years, managing to go in every month. I cannot see that. Mentally, physically and emotionally. I just, I can't see it.

Amy

Disenfranchised grief

The participants commonly experienced feelings of grief. 'Disenfranchised grief' is experiencing loss that a person feels unable to mourn publicly; the loss of someone where the relationship is not validated or understood by others; or when others see the loss as trivial or don't understand it.³⁶ Although the person is experiencing grief, there is no social recognition that the person has a right to grieve or garner sympathy. Depression associated with grief is common amongst those experiencing separation from family members who are in prison.³⁷ Due to the stigmatisation of people in prison, especially those who have committed serious crimes, families are often grieving but feel unable to display this publicly due to fear of being invalidated. The grief that the participants experienced is pronounced, with many grieving their loved one for decades:

Although he's not dead we're grieving him because I've lost him for 20 years... it was like a living death because when somebody dies that's it. But when they get taken away from you for 20 years and are still speaking to you, that agony goes on for 20 years.

Christine

It's just grief. He's not here anymore. You know, and I get to see him once a week and he can phone, but it's not the same.

Kirsty

Some older family members hold worry that they will die before their loved one is released, meaning that they will have lost them to prison forever:

It's incredibly distressing to hear them [parents] talk about the fact they will die before they ever see him [brother in prison], and it's becoming more and more of a reality as things go on.

Sarah

35 Loucks, N. (2004) Prison without bars: needs, support, and good practice for work with prisoners' families. For Tayside Criminal Justice Partnership and Families Outside.

36 Doka, K. J. (2008) Disenfranchised grief in historical and cultural perspective. In M. S. Stroebe, R. O. Hansson, H. Schut, & W. Stroebe (Eds.), *Handbook of bereavement research and practice: Advances in theory and intervention* (p. 223–240). American Psychological Association.

37 Hardy, T. and Snowden, M. (2010) Familial impact of imprisonment and the community specialist practitioner. *Community practitioner*, 83(10).

Lasting impacts

The pains of imprisonment often do not lessen over time as it becomes a part of the person's life.³⁸ Susie is five years into her son's 23-year sentence. To her the state of despair is seemingly permanent:

It's the worst thing that's ever happened to me. It's completely ruined my life without a shadow of a doubt. I'll never, ever come to terms with it. I don't cope with it... I'm on medication and different things. But really, just stay in and just don't have much of a life really.

Susie

There was one point at the start where I was planning to kill myself. I have terrible days. I have days that I can't function. I mean, I'm taking anti-depressants constantly now because of this. I wouldn't have to, but they get me there, they get me through. Because it's hard to deal with it myself, worrying about [son]. Torturous... life is nothing now. There is nothing to look forward to.

Kirsty

Support for families/lack of information

People affected by imprisonment are a largely hidden group which contributes to their needs often being neglected.³⁹ We spoke with participants about the support they did or did not receive. Some reported having no support at all, whereas others who received some type of support often saw it as insufficient or 'piecemeal':

If social work has to investigate a kid's visit and approve it... why is nobody chasing that up? Like, how's it going? How is this affecting the kid? Is the relationship a good one, is it a positive one? There's absolutely no support for the family and the child in these situations, which I feel is a massive issue.

Laura

We didn't know anything about the prison system at all... we didn't know where to go for support. Then once you came to release, it was the same thing again. There was nobody that actually contacted us to say your sister is coming out and sat and talked about our fears and anxieties.

Linda

This is a journey you go on alone.

Christine

Furthermore, Amy highlights some issues which are arguably more relevant to the experiences of the participant group rather than those who have kin serving shorter sentences. She was concerned as to why there still lacked information on these processes, whilst presuming that other people must have also had similar experiences.⁴⁰

I had my husband's car to sell, I had to fathom how to stop his business he'd set up, deal with all of his affairs. How the hell do you get a car sold when you need the V5 signed, I can't just take the V5 into prison because ultimately, they won't let you do that. I was like blimey, there's other people in my same situation, why isn't there more information. Short sentences, totally different, you know, you don't sell a car maybe.

Amy

Despite these examples, Linda talks of the positive outcome that came from having a professional who cared:

The high school guidance teacher... she had heard stories of what had happened. She started speaking to my sister [in prison], sending report cards, sending progress reports, and kept my sister up to date. And then [the guidance teacher] started taking the kids up to see my sister... it was such a relief to have someone that understood and cared and was there especially for the kids.

Linda

38 Kotova, A. (2017). *Lost time, stigma, and adaptation: The experiences of long-term prisoners' partner in brief*. Families Outside.

39 Loucks, N. (2004) Prison without bars: needs, support, and good practice for work with prisoners' families. For Tayside Criminal Justice Partnership and Families Outside.

40 See Jardine, C. (2023) Families, imprisonment and penal power: a radical analysis. *Justice, Power and Resistance*, 6(3): 278-294; Lanskey, C. et al. (2018) Prisoners' Families, Penal Power, and the Referred Pains of Imprisonment. In Condry, R. and Scharff Smith, P. (eds) *Prisons, Punishment, and the Family: Towards a New Sociology of Punishment?* Oxford University Press, pp 181-195.

These quotes demonstrate the importance of raising awareness in relation to the impacts of imprisonment amongst a broad range of professionals and not solely those in direct contact with the criminal justice system. Increased empathy towards the affected group may allow families to receive support from a greater network, as was in Linda's case. SPS staff recognise in their Family Strategy that they have a self-proclaimed responsibility to recognise the needs of families. Unfortunately, participants often had negative experiences with prison staff. Some felt they were not afforded empathy or support by prison staff in a time of need. For example, Amy had to discuss ending her marriage with her husband in prison during a visit:

Nobody [SPS staff] checks in to see if you're all right, even if you've been in floods of tears throughout the whole session, there was no check-in with me after that. I think they could do better if I'm honest.

Amy

Amy's experience is arguably in opposition of the SPS Family Strategy's key principles, in particular 'Families are treated with dignity and respect'.⁴¹

Participants recognised support networks as key in their journey, however, some were acutely aware that support organisations are often stretched for resources and are often unable to provide long-term support:

If I never had them [support workers from two organisations] right now, I'd be cracking up. But [support worker] is so busy and they're overstretched, so you don't want to go to her all the time, but I need her.

Mandy

I was fortunate enough to have [name] as a worker, she had been with me for three years, then since moved on... I've had counselling and that's been immensely helpful... her [counsellor] situation changed, and she couldn't continue with the private counselling.

Amy

Some participants were involved in activism. Having the opportunity to use their lived expertise to better not only their own experience, but the experience of others seemed to work as a form of support for those involved:

I had a lot to do with [support organisation], but that's more on a kind of, I had my sword out wanting to fight everybody. I wanted better conditions for my grandkids. So I didn't really get involved as a person needing help. More trying to help better things for kids going into jails.

Christine

The campaign group has been that kind of support because I am now in touch with lots of people in a similar situation [impacted by OLR] ... and the growing sense of determination. I'm taking on board all of these other people's stories as well as my brother's. So, I'm feeling their anger and hopelessness as well.

Sarah

Actual and perceived stigma

Families of people in prison often fear stigmatisation regardless of whether they have experienced it overtly and this fear may be elevated when the offence is deemed serious,⁴² such as in the case of this study's participants. The public and/or media feeling toward a certain offence if perceived to be of a serious nature, may increase likelihood of stigmatisation. The type of stigma experienced by families of people in prison is known as 'courtesy stigma', whereby a person's identity is stained due to their association with the directly stigmatised individual (eg person in prison).⁴³

It's difficult knowing so many people think that I'm the mother of a rapist and a violent man.

Katie

They haven't got any idea [public], everybody thinks like... look at these prisoners they've got telly and the lot. They forget that we're paying for them to get a packet of crisps, a bottle of juice, a packet of fags – vapes now. So people get it all misconstrued... The prisoners might have all these things, but it's the families who buy it.

Kirsty

41 Scottish Prison Service (2024) Family and Parenting Strategy: 2024-2029 <https://www.sps.gov.uk/sites/default/files/2024-06/Family%20and%20Parenting%20Strategy%202024%202029.pdf>

42 Kotova, A. (2017). *Lost time, stigma, and adaptation: The experiences of long-term prisoners' partner in brief*. Families Outside.

43 Goffman, E. (1963). *Stigma: Notes on the Management of Spoilt Identity*. Englewood Cliffs, NJ: Prentice-Hall, Inc.

Families can often feel as though they are serving their own sentence due to this which can also continue following release.⁴⁴ The following excerpts illustrate instances of overt stigmatisation, including threats to life, that participants experienced:

My house was on the front page of the Daily Record. I had two cars firebombed, the house caught fire, and we had an Osman - it's a threat to life order from the police - to say they received intelligence that your life's in danger. I've had so many of them, I've actually lost count.

Susie

There was a lot of social media and media attention and talk in the town. I had people messaging his phone and putting on his Facebook threats of violence and death. And I had the same, blaming me of course, it's always the parents' fault and I was frightened to go out in town for a while.

Katie

I was annoyed at him because of the impact it [brother's sexual offence] had on my parents, and they actually ended up having to leave [city] and build a new life for themselves, because it was just becoming intolerable.

Sarah

The brutality that they have faced arguably correlates with the seriousness of the person's offence. This demonstrates the added difficulties for those whose family member is serving a VLTP sentence where usually a VLTP sentence equates to having committed a serious and/or publicly unaccepted offence.

44 Codd, H. (2008). *In the Shadow of Prison: Families, Imprisonment and Criminal Justice*. Portland, OR: Willan Publishing

Symbiotic harms

The concept of symbiotic harms, coined by Condry and Minson to describe the pains of imprisonment families may feel, replaces the term ‘collateral consequences’, which they note “is at best insufficient and confusing, and at worst subordinating and marginalising”.⁴⁵ These harms include stigma, loss of friendships, financial worries, abuse and attacks, disrupted attachments, reduced life chances, disrupted education and employment, and an increased risk of mental health and substance misuse, some of which have been established above. Jane’s experience demonstrates a number of these harms:⁴⁶

Jane

Jane’s son was sentenced to 28 years for the murder of another family member. She no longer talks to her son, which was his choice, however, she says she feels relieved by this. Jane’s emotions are complex, feeling anger towards her son, grief for the family member lost and despair for the six children and young people who were left without a parent. Two of the older children no longer speak to her due to her maintaining contact with her son at the early stages. The youngest child has been kept back a year in school due to the trauma experienced. Jane struggles with processing that her own child could commit such a crime but recognises the lasting trauma this has caused for her and her family. Jane rarely leaves the house to avoid conversations that may arise about her son. Jane does not think she will live to see her son’s release due to her age and the length of his sentence. Still, Jane harbours worry for his release, concerned for how he will cope with societal changes and being ‘too old to get a job’.

Disrupted attachments in the form of the breakdown of intra-familial relationships were also evident in other participants’ experiences:

My husband’s getting better, in the lead up to the trial he wasn’t supportive at all. We split up for a bit.
Katie

Important to note is that Jane’s experience lies in stark contrast to the SPS Family Strategy’s aim to strengthen and maintain family ties. Despite her complex and traumatic experience because she has no contact with the person in prison, the SPS outcomes outlined in the strategy cannot easily benefit her. Jane is not alone in this experience. The 2024 Prison Survey showed that 10% of respondents reported having no contact with anyone outside the prison.⁴⁷ This suggests that a great number of individuals outside prison have a person significant to them in prison but are not in contact with them.

Financial strain

Financial stress is widely recognised to be one of the negative effects associated with the imprisonment of kin.⁴⁸ Imprisonment causes, maintains and embeds poverty into the lives of families affected by imprisonment with costs falling to women disproportionately.⁴⁹ The financial impact of prison is lasting, with impacts seen at all stages (i.e. remand, during the sentence and on release).⁵⁰ Related to this, the most recent SPS Prison Survey showed an increasing number of people in Scottish prisons report that the canteen system was ‘fairly bad’ or ‘very bad’ with the price of available products seen as problematic.⁵¹ People held in prison reported that their top reason not to work whilst in prison is that the pay is too low.⁵² These findings are problematic for kin, with increasing prices within prisons directly impacting those on the outside, as many family members feel obliged to provide financial support. In addition, more than a quarter reported cost being an issue in relation to receiving visits.⁵³ Most participants talked of financial strain being a key experience:

45 Condry, R., & Minson, S. (2020). Conceptualizing the effects of imprisonment on families: Collateral consequences, secondary punishment, or symbiotic harms? *Theoretical Criminology*, 25(4), 540-558. (p18)

46 Ibid.

47 Scottish Prison Service (2025). Prison Survey 2024.

48 Condry, R., & Minson, S. (2020). Conceptualizing the effects of imprisonment on families: Collateral consequences, secondary punishment, or symbiotic harms? *Theoretical Criminology*, 25(4), 540-558. (p18)

49 Families Outside (2023) In Brief 19: *Paying the Price – The financial cost to families of imprisonment and release*. January. Available at: <https://www.familiesoutside.org.uk/content/uploads/2023/01/In-Brief-19-digital2.pdf> (Accessed: 16 July 2025).

50 Ibid.

51 Scottish Prison Service (2025). Prison Survey 2024.

52 Ibid.

53 Ibid.

It's maybe £100 a month on petrol and then you're maybe a tenner a time in there [using vending machines]. There's times I've had to cancel visits because I can't afford that. I have no child maintenance, I get not a penny, nothing. He [person in prison] costs me money because I have to put money on email-a-prisoner account⁵⁴ ... £624 on email-a-prisoner since February 2024. And then of course sending money to PPC [Prisoner Personal Cash account] because somebody's got to keep him... so that's another £80 a month. I'm on a part-time wage, lucky if I get myself a bloody pair of pyjamas when I get paid.

Laura

The experiences of most other participants aligned with Laura's. Only three of the participants were employed full-time, with the others either working part-time, retired or unemployed. Half of the participants were concerned with the cost of the vending machines, stating that they were too expensive. Furthermore, Susie, similarly to Laura, said she would go without to ensure her son has what he needs:

That's my priority [son]. So, I would go without to make sure he's ok.

Susie

Quality of life

As noted above, experiences of perceived or actual stigma alongside a multitude of other symbiotic harms means that even if unintentional, families of people serving VLTP sentences experience their own 'sentence' of sorts. Katie's son is 10 months into a 10-year sentence for sexual offences:

I've been really depressed and anxious and signed off work, I was making mistakes... I'm struggling to go out because I'm so tearful. Just really lacking in confidence... I cannae help but feel responsible. But it's hard not to blame myself [as his mum] for how his outcomes have turned out... I feel like a piece of shit basically. I feel like I'm nae good at anything, if I cannae even raise my child properly, what use am I?

Katie

Similarly, Kirsty's son was in the early stages of his sentence:

There isn't one now [quality of life], take every day as it comes. Sometimes it's a good day, sometimes it's a bad day... quality of life, there is none.

Kirsty

It is also important to highlight that for the participants in this study, this experience is magnified and drawn out over an extensive period, affecting their quality of life and becoming embedded within their identity. For both Amy and Susie, the pains of their kin's imprisonment did not get easier over time, despite three and five years having elapsed respectively:

Mentally far worse than I've ever been. Ultimately, I'm serving a prison sentence out here. My life has completely changed. I had two salaries coming in, I now struggle to manage three children and part-time work and all the other bits that I need to do. And three years down the line, I would have thought I could have been somewhere different. But ultimately, I know that it takes time. But yeah, my quality of life has completely changed.

Amy

I don't really go out with friends. I'm not even the same person that I was before, not even near it.

Susie

Family life

Article 8 of the Human Rights Act 1988 as well as Article 8 of the UNCRC (Incorporation) (Scotland) Act 2024 enshrine the right to private and family life. Much of the case law throughout the UK relating to the impact of a parent's imprisonment on children refers to Article 8 violations (eg *R. v Petherick*⁵⁵). Where children were involved, participants harboured concerns about the impact on them. In Amy's case, she lost the parental support of her husband, leaving her to solely support her three children emotionally and financially on a part-time salary:

⁵⁴ Email-a-prisoner is a function available to people in Scottish prisons and their families, whereby families can send emails that are printed and given to the person in prison. The email-a-prisoner account can also be used to make reduced priced calls from inside Scottish prisons.

⁵⁵ *R v Rosie Lee Petherick* [2012] EWCA Crim 2214.

Ultimately, he's been a really big part of their [children's] lives. We'd just been through COVID, so we'd been in the house, all five of us 24/7. They had gone from him being a massive part of their lives to then not being there at all and that felt very unfair.

Amy

Christine's worries for her grandchildren lay in the threat of stigma:

Christine

Christine's son has served 20 years of a life sentence, where his punishment part was 15 years. The family had never been in contact with the criminal justice system before and noted the difficulties of having such a severe sentence being their first experience of imprisonment. Her son left behind two children who were babies at the time. This left Christine feeling angry at her son. She noted the additional responsibility that fell to her in relation to her two grandchildren, explaining that she cared for them every weekend and that the family 'rallied round' in support of them. The children's mother was sadly diagnosed with a severe genetic condition around three years into their father's imprisonment. Christine expressed how she felt that social workers would have 'written off' her grandchildren for having a father in prison and a disabled mother. She felt proud as both her grandchildren are now adults with university degrees. Christine feels that her grandchildren are a 'success story'.

Despite their positive outcomes, the worry of stigmatisation families felt was present regardless. Further, this illustrates the additional responsibilities left to people on the outside when children lose a parental figure.

Inconsistencies across the prison estate

Rules varying by establishment and staff member

Inconsistencies across the prison estate were a consistent theme mentioned by almost all participants. These variations in practice existed not only between establishments, but also within them, depending on which members of staff were working at the time the participant made contact with the prison:

That was good [getting children's visits approved] in one sense but equally challenging in terms of what they were and weren't allowed to do. Differences in opinions on rules. The inconsistencies between prison, but equally even in the same prison. The inconsistencies between guards are a real challenge and I think very confusing for the children.

Amy

Have a uniform plan over everywhere and keep to the plan. Don't just change it on a whim. They need to have a system where you know exactly what's happening. Because you think you're getting quite chuffed, you know you're getting in and you're used to what's happening and it's maybe a different team that's on when you're going in and it's completely different and that's hard and they don't like you asking them questions or challenging them on anything.

Christine

These inconsistencies exacerbated anxieties amongst participants going into an already intimidating environment where it was also often the participants' first experiences of the justice system. Some felt that the prison staff presumed that families would have knowledge of prison processes. This may correlate to preconceived notions from staff about who families affected by imprisonment are.

The experience of those with additional needs

Inconsistencies across the estate create further concerns for those family members who have a range of additional needs, eg sensory issues:

It's the change for a child with autism. Constant change of establishment, a constant change of routine, constant change of normal visits, kids visit. Dad can come play, now he can't. You can take the toy, now you can't. You can wear what you want, no you can't. It's inconsistencies that make it the most difficult process to go through.

Laura

Issues with video calls (known colloquially as 'virtual visits') existed dependent on the location the calls took place and the quality of equipment. For example, when video calls took place in the same room as in-person visits, this created issues with noise levels. These issues made it especially difficult for those with additional needs to utilise this type of visiting which could, in better circumstances, be a lifeline for many in maintaining ties with their family in prison:

The virtual visits are really challenging because the mics are really bad and the noise in the room because normal visits are happening at the same time, it makes it really difficult to hear.

Amy

The screen is often quite wobbly. The sound can be rubbish. We've tried it with headphones on. I have a slight hearing impairment... I lip read, so I struggle to match the sound I'm hearing to the lips moving.

Sarah

I could hear him [on the video call], but I couldn't see him, and he could see me and couldn't hear me... he just doesn't like it because of his sensory issues and that.

Katie

Mandy had been without a car the past few months, leaving her unable to visit due to her daughter's additional needs. While not the fault of inconsistencies within the prison system itself, this highlights further considerations that must be made by those navigating additional needs:

If [daughter] has a meltdown, especially when she's tired, she can just switch...the reason I can't take her on public transport is that when she runs, she runs blind as well, she doesn't look and would put herself in danger, so am I willing to take that chance, that she [daughter] will have a meltdown at the train station?

Mandy

Relationship with the person in prison

Prioritisation of the person's feelings

People with a family member in prison commonly conceal their emotions from their family member in prison.⁵⁶ This was true amongst this sample as well, with many prioritising their family member's emotions over their own. Moreover, the person in prison was often unable to recognise the scale of the impact on their family member:

He can be upset and frustrated and quite agitated at times and that's difficult to handle, his stress and trying to manage my stress so it doesn't make him worse.

Katie

He'll say to me, "you don't know how hard it is in there" and I'll say, "you don't know how hard it is out here".

Christine

A lack of boundaries

Participants often expressed that having a family member in prison often meant they allowed their own boundaries to be pushed:

I was out for breakfast with a couple of my friends this morning. He knew but he'd forgotten and phone and said, oh, I've thought of somebody else you could ask [in relation to appeal]. The case is closed. You know he must get frustrated with me, feel like I'm no doing enough, but I'm just, the criteria is so strict.

Katie

I'm at a position where we've separated, we will be divorcing but we've still got three kids together and I've taken them for the last three years to see him every two weeks... over the last wee while I've tried to cut that down, but the kids are now very keen to see him. I find it very frustrating that if the kids want to go and I don't want to go, there's nobody else that takes them.

Amy

Worries for release

Unsurprisingly, some individuals have worries about their family member's release from prison regardless of their sentence length or type. More notable in relation to the current research, however, are the worries for release which centre directly around the amount of time the person in prison has been removed from society. Linda's sister had been released for a number of years at the time of interview:

It wasn't easy for the first four years she was out. It was strange to have her out [after 18 years]. It was an adjustment for us getting to know her outside of prison. We were very wary.

Linda

There were concerns raised about how people in prison are expected to resettle in society after an extended period of time removed. Amy raised the issue of dehumanisation and lasting stigma:

We dehumanise people and we expect them to then come out and develop, to get on with their lives, you know, the stigma that continues with them forever once they've served that sentence.

Amy

An aspect potentially unique to the experience of those whose family members are serving a VLTP sentence was their concerns about how the person would resettle in a society which is very different from when they were first imprisoned:

I won't have that worry because I'll be dead and buried by that time. Look at how the world's changing day by day. How much is the world going to have changed by the time he's released? He's

56 Jardine, C. (2017). Supporting Families, Promoting Desistance? Exploring the Impact of Imprisonment on Family Relationships. In E. L. Hart, & E. F. J. C. van Ginneken (Eds.), *New Perspectives on Desistance: Theoretical and Empirical Developments* (pp. 163-186). Palgrave Macmillan Ltd.

67 when he walks through those prison gates. I really don't know how he will cope in society with all the changes taking place in those number of years. He'll be too old to get a job, even if an employer was still willing to take him on [despite conviction].

Jane

He went in there as a boy and he's coming out a middle-aged man, and the world's different.

Christine

Additionally, the threat of recall to prison attached to certain sentence types such as life imprisonment or the OLR means that the thought of release did not offer much relief. Again, recall is an aspect of release unique to people serving a prison sentence whereby they will be released on license:

I don't think he will function well at all... he has some kind of difficult views about things and is very forthright. He would be homeless. The OLR, along with the life sentence, has a really long list of restrictions attached to them on release, and I think it'd be lucky if he made it a week outside.

Sarah

Conclusions

The findings of this consultation highlight the profound and enduring impact that very long-term prison (VLTP) sentences have on those left behind. While the literature recognises many of the issues that the families of people in prison face, the experiences shared here illustrate how these challenges are often uniquely intensified by the length and/or indeterminacy of VLTP sentences. Emotional and psychological strain, disenfranchised grief, stigma, financial hardship and systemic inconsistencies within the prison estate are impacts which become deeply embedded in their lives - impacts which span decades, often reshaping their identity and quality of life. Moreover, this consultation highlights some unique aspects of the experience for people who have kin serving a very long-term prison sentence as opposed to shorter sentences. These include: processing the length of sentence given, coming to terms with the fact their kin was convicted of a very serious crime (in most cases), living with feelings of disenfranchised grief for a decade or more, the detrimental and long-lasting effects on their quality of life, and preparing to support kin on release into a changing society after such a long period of time.

Those on the outside often show resilience, acting as carers to their person in prison or other family members left behind, and using their lived experience to become activists. Despite this, their needs remain marginalised within policy and practice. The Scottish Prison Service's Family Strategy provides a promising framework, however, the lived experience documented in this report shows that meaningful implementation remains inconsistent, and in some cases, absent. We have also highlighted concerns for those who are not in contact with the person in prison and thus missed by the Family Strategy.

The enduring emotional effect that VLTP sentences have on those affected was one of the main overarching themes. Participants described feelings of sadness, despair, grief, isolation, fear and embarrassment. Many experienced feelings of disenfranchised grief, grieving the person in prison while rarely feeling able to speak up about their loss for fear of judgement or blame. Real impacts came in the form of financial hardship, effects on quality of life, mental illness, issues with maintaining employment, and the breakdown and/or changing of family relationships. Participants spoke openly of depression, isolation and suicidal ideation, indicating a clear need for accessible support tailored to families affected by VLTP sentences.

Stigma and public hostility were also profound features of the participants' lives. Some experienced direct threats, media harassment and social isolation, while others lived in fear of being 'found out' as being related to someone convicted of a serious offence. Several participants also described a lack of support in preparing for the release of their loved one, particularly after decades of imprisonment. Their concerns included the person's ability to adapt to a vastly changed society, age-related barriers to employment and the ever-present risk of recall to prison for those serving indeterminate sentences.

Another key concern is the highlighted inconsistency across the Scottish prison estate. Participants described the confusion and anxiety caused by unclear or inconsistent rules, sometimes varying not just between establishments but between individual staff members within the Scottish prison system. For these participants who were already under strain, these inconsistencies seemed to heighten feelings of powerlessness and distrust. Furthermore, children's rights were a key concern throughout, particularly in relation to maintaining safe and meaningful contact with a parent in prison. The accounts reveal that the principles set out in the SPS Family Strategy are not consistently realised in practice.

Clearly, those affected by VLTP sentences require specialised, sustainable and practical support across every part of the prison journey, from initial sentencing, throughout the sentence, into post-release. This should include accessible information, emotional support, financial advice and active inclusion in sentence progression planning. Recognising the scale of harm inflicted not only on the person imprisoned but on those who care about them is essential to any idea of a just and humane justice system in Scotland.

Also important to note is the potential impact on those who were not captured in this report. We spoke with only one person who was impacted by VLTP sentences but not in contact with the person in prison. However, as suggested in the review of the literature, there is likely a great number of people suffering from the impacts of imprisonment who are not in contact with the person in prison for a number of reasons. Moreover, most of the participants were impacted by the imprisonment of a son or partner. However, the impact of imprisonment goes beyond these typical relations, to adult children, siblings, friends, grandparents, carers and more. These groups should not be forgotten.

This report amplifies the voices of those often silenced and urges policymakers, practitioners and service providers to act with empathy so that those affected by VLTP sentences receive the support that they need. The next section outlines recommendations for impact.

Recommendations

In relation to the key themes which emerged and the conclusions made above, we suggest six key recommendations:

1. **The Scottish Prison Service and/or third sector organisations such as Families Outside should provide clear, practical and tailored information for families impacted by VLTP**

Utilising the data collected from this study alongside the personal expertise of the participants, the co-production of a booklet and online resource would be a valuable outcome. This booklet would provide answers to questions related directly, and often uniquely, to the experience of families of people serving a VLTP sentence.

The resource should include, but not be limited to:

- What to expect at each stage of a very long-term prison sentence (eg pre-sentencing, life in custody, sentence progression, parole and release)
- How to deal with practical matters such as managing the imprisoned person's affairs (eg selling property or vehicles, managing finances or benefits)
- Guidance on legalities and prison processes (eg progression, parole, appeal rights and visiting)

2. **The Scottish Prison Service, courts, education bodies and social services should introduce multi-agency agreements to implement meaningful, tailored support at key stages**

Tailored support should be offered to those affected at all stages of the prison journey. This requires a multi-agency approach, meaning all agencies involved should have an understanding of how imprisonment and VLTP sentences impact partners and families so that they can treat people with empathy and provide relevant support/advice.

- Pre-sentencing
 - o Professionals should be open to explaining legal processes to families and answering questions on what is to come.
 - o Alternatively, signposting to organisations such as Families Outside where families can receive support is vital.
 - o Both kin and the person facing imprisonment should be advised to deal with their affairs prior to imprisonment. It would be beneficial for kin and the person facing imprisonment to understand the issues that arise regarding accessing accounts in the imprisoned person's name (eg requiring of information-sharing mandates, inability to send or take in original documents out with agents' visits, etc.).
- Post-sentencing
 - o A family induction process would be greatly beneficial, whereby relevant information (such as the resource suggest above), key contacts (eg Family Contact Officer) and relevant signposting (eg Families Outside, Citizens Advice Scotland, Samaritans) is sent to the imprisoned person's next of kin or a named person (see also Recommendation 6).
- Pre- and post-release
 - o Families should be involved in conversations about parole and upcoming release.
 - o Worries about how the imprisoned person will adjust in an ever-changing society could be somewhat alleviated with better access to progression to the National Top End (NTE) and/or the Open Estate (see points 4 and 5 for specific recommendations).
 - o Additionally, widespread offering of life skills courses to people in prison relevant to the present-day society would be beneficial.

- Child-centred and rights-focused support
 - o All organisations and institutions working with children should be aware of the UNCRC and the protections this provides on children’s rights so they can provide guidance and support if their rights have been breached.
 - o Child Impact Assessments⁵⁷ should be conducted for each child at every stage of the criminal justice process. For VLTP sentences such assessments are likely to need repeating as the child’s needs and views change.
- 3. Increased empathy and trauma-informed practice must be embedded across the Scottish Prison Service, courts, education bodies, social services, healthcare and third sector organisations**
- Those impacted by imprisonment should be given empathetic, informed and consistent support from prison staff, social workers, school and healthcare providers.
 - Broader professional awareness of the impacts of very long-term imprisonment is crucial.
 - An understanding of the range of additional needs people may have is vital, with staff meeting such people with empathy and patience.
- 4. The Scottish Prison service must fully implement and operationalise the key principles set out in the SPS Family and Parenting Strategy⁵⁸**

Key principles:

- Families are treated with dignity and respect.
- Families are included and engaged.
- Children’s rights and best interests are at the centre of our policy and practice.
- Families are diverse and unique.
- Partnership working is essential to achieving positive outcomes.

The Scottish Prison Service should be able to provide evidence towards meeting the self-prescribed outcomes outlined in the strategy as shown in Table 3.

- 5. The Scottish Prison Service should ensure consistency and accountability across the Scottish Prison System**
- More uniform practices across SPS establishments, especially within areas which directly impact kin of those in prison (eg rules regarding visiting or sending property).
 - Transparent communication of these rules and processes to kin are key. In instances where rules must change or differ, families should feel able to ask questions without fear of scrutiny.
- 6. The Scottish Prison Service should implement peripatetic delivery of progression related course**

Programmes required for parole should travel from prison to prison rather than requiring people to transfer to other establishments to access these. The Prisons Inspectorate in Scotland recommended this in 2024, stating that the “*SPS must adequately resource the delivery of programmes to ensure no prisoner is prevented from progressing at their earliest opportunity or disadvantaged at Parole Board hearings through delays in accessing programmes. SPS should consider whether a peripatetic approach to the delivery of programmes would speed up delivery and prevent individuals from having to transfer to a different prison when they are settled in a prison near their family. If prison transfers are essential to access programmes*

⁵⁷ This focuses on the individual child and is distinct from the Child Rights and Wellbeing Impact Assessment (CRWIA, available at <https://www.gov.scot/publications/child-rights-wellbeing-impact-assessment-external-guidance-templates/>). The Child Impact Assessment toolkit is available at <https://prisonreformtrust.org.uk/child-impact-assessment-toolkit/>

⁵⁸ Scottish Prison Service (2024) Family and Parenting Strategy: 2024-2029 <https://www.sps.gov.uk/sites/default/files/2024-06/Family%20and%20Parenting%20Strategy%202024%202029.pdf>

*and the performance of the prison transport contractor delays transfers taking place, alternative solutions must be found.”*⁵⁹

7. The Scottish Prison Service and prison visitors’ centres should offer facilitated family workshops

The offering of SPS-facilitated family workshops, whereby SPS are more forthright about how families/kin can be involved in the imprisoned person’s prison journey could be beneficial in alleviating worries and improving relationships between kin and the prison system. This recommendation already aligns with outcomes outlined in the SPS Family Strategy such as:

- Families report having greater access to accessible information relevant to their loved one’s journey while in custody.
- Families report feeling included or engaged in decisions that affect them.
- More families feel they are listened to.

Workshops should be held in the prison visitors’ centres (or another appropriate location) and should cover a range of different key topics:

- Family induction
 - o Introduction to Family Contact Officers.
 - o Explanation of prison processes (eg visiting, sending property, sending money, complaints process).
 - o Signposting.
- Sentence progression
 - o How sentence progression works.
 - o Information about Integrated Case Management (ICM) and how families can contribute to these.
- Support pre and post-release
 - o Advising families of throughcare organisations such as Sacro and Upside, the national voluntary throughcare programme.
 - o Provision of a space for families to discuss their concerns for release.
 - o Signposting to relevant organisations such as Families Outside, Victim Support, Women’s Aid, Scottish Welfare Fund and Citizens Advice (where appropriate).

⁵⁹ HM Inspectorate of Prisons for Scotland. (2024). *A Thematic Review of Prisoner Progression in Scottish Prisons*. Retrieved from https://prisonsinspectoratescotland.gov.uk/sites/default/files/publication_files/A%20Thematic%20Review%20of%20Prisoner%20Progression%20in%20Scottish%20Prisons_0.pdf

This report presents the findings of a consultation conducted in Scotland as part of a collaboration between Families Outside and the Building Futures programme at the Prison Reform Trust (PRT). The consultation explores the lived experiences of partners and families affected by very long-term prison (VLTP) sentences in Scotland.

Drawing on Scotland's distinct legal and policy frameworks, including the continued use of OLRs and recent reforms affecting those impacted by imprisonment, the report sheds light on how these systems shape the experiences of families supporting loved ones in custody.

Based on ten in-depth qualitative interviews with people affected by very long-term imprisonment, the findings offer insights into the emotional, relational, and practical challenges faced by families over time. The report identifies areas of good practice, highlights gaps in support, and presents recommendations for policy and practice.