

Identifying and Supporting Children of Prisoners in Wales

A Rights-Based Case for Legislative and Policy Reform

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Dr Rhian Croke, Children's Legal Centre Wales

Aimee Hutchinson, Prison Advice and Care Trust (Pact)



Executive Summary

An estimated 5,000 children in Wales have a parent in prison at any one time, and around 1 in 15 Welsh children (7%) will experience parental imprisonment during their childhood.¹ Despite this scale, these children remain almost entirely invisible to the public services meant to protect them. There is no statutory duty anywhere in the justice, education, health or social care systems in England and Wales to identify a child when their parent is imprisoned, meaning that the provision of support is impossible. Identification depends on chance disclosure, family honesty in the face of stigma, and the discretion of individual professionals.

This briefing paper sets out the case for change. It argues that the invisibility of this cohort is not a gap that can be closed through good intentions or pilot projects alone. It is a structural failure that breaches Wales's own children's rights framework, undermines the statutory purpose of the Well-being of Future Generations (Wales) Act 2015, leaves existing entitlements under the Social Services and Well-being (Wales) Act 2014 unactivated for this cohort, and sits in direct tension with the constitutional analysis set out by the Thomas Commission on Justice in Wales. It draws on the growing Welsh evidence base, including the Welsh Government-commissioned ASPIRE research, and Pact's own frontline evidence and practice expertise, including its April 2025 paper *Identifying children affected by parental imprisonment: recommendations from Pact*, and two decades of direct work with prisoners' children.² It also draws on political commitments already on the table, including Plaid Cymru's 2026 manifesto pledges on a Human Rights Act for Wales and child poverty, and the precedent set by the statutory footing now given to Operation Encompass in England and Wales.

Both organisations agree that identification is necessary and overdue; both are equally clear that public debate about “intergenerational offending” must not tip into treating prisoners' children as future risks rather than children with rights, needs and resilience of their own.³

¹ Welsh Government, ASPIRE (Actioning a Schools and Prisons Independent Research Evaluation) (2025) <https://www.gov.wales/improving-wellbeing-and-educational-outcomes-children-wales-affected-parental-imprisonment-summary-html>

² Keen-Downs, A., Hutchinson, A., Beesley, L., Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*, April 2025. <https://www.prisonadvice.org.uk/media/dqvjudev/identifying-children-affected-by-parental-imprisonment.pdf>

³ Ibid.

The paper concludes with a set of concrete recommendations, centred on a statutory duty to identify children affected by parental imprisonment, a national multi-agency model of support led through schools, and the application of a children's rights approach to close the gap between Wales's rights commitments and the lived reality of this group of children.

Wales' distinctive commitment to children's rights places it in a unique position to lead the way in supporting children of prisoners. This briefing calls on policymakers and practitioners to recognise that this is not simply an opportunity, but a responsibility that demands action.

1. Purpose

This paper asks Welsh Government to agree that:

1. Children affected by parental imprisonment constitute a distinct, rights-bearing group who are currently failed by the absence of any systematic mechanism for identification and support; and
2. Addressing this failure is not discretionary but is required by the Welsh Government's existing statutory obligations under the Rights of Children and Young Persons (Wales) Measure 2011 and the Well-being of Future Generations (Wales) Act 2015, and would activate entitlements that already exist, but currently go unused for this cohort, under the Social Services and Well-being (Wales) Act 2014; and
3. Wales should move, without further delay, to develop and implement a national statutory model of identification and support for this cohort, building on the evidence already gathered by Pact and through the ASPIRE programme.

2. Introduction: An Invisible Population

Children with a parent in prison have long been described in the literature as the "invisible victims" of the criminal justice system, or as serving a "hidden sentence" alongside their parent.⁴ They are punished by a process in which they had no say, are rarely considered by the courts that impose it, and are usually left to statutory services to discover for themselves, if they are discovered at all.

Across England and Wales, official statistics-in-development estimate that 192,912 children experienced parental imprisonment between October 2021 and October 2022,⁵ while Pact's own analysis puts the number of children with a parent in prison on any given day at over 100,000.⁶ In Wales specifically, Welsh Government estimates and the ASPIRE research put the

⁴ Senedd Research (2014) A 'Hidden Sentence'? Children affected by parental imprisonment, Senedd Research. <https://research.senedd.wales/research-articles/a-hidden-sentence-children-affected-by-parental-imprisonment/>

⁵ Ministry of Justice (2024), *Official Statistics in Development: Estimates of children with a parent in prison*, gov.uk. <https://www.gov.uk/government/statistics/estimates-of-children-with-a-parent-in-prison/official-statistics-in-development-estimates-of-children-with-a-parent-in-prison>

⁶ Prison Advice and Care Trust (Pact) (2023) *Number of children with a parent in prison right now tops 100,000* <https://www.prisonadvice.org.uk/latest/news/number-of-children-with-a-parent-in-prison-right-now-tops-100-000/>; and Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*. <https://www.prisonadvice.org.uk/media/dqvjudev/identifying-children-affected-by-parental-imprisonment.pdf>

figure at 5, 000 children at any one time, with around 1 in 15 children (7%) affected by parental imprisonment at some point in their childhood.⁷

The July 2024 UK Labour manifesto committed that “the children of those who are imprisoned... will be identified and offered support to break the cycle”, recognising them as being “at far greater risk of being drawn into crime than their peers.”⁸ As Pact has set out in its own response to that commitment, this framing was welcomed by many frontline charities, but was also criticised by others for risking the portrayal of innocent children as “future offenders” rather than as children in need of protection and support in their own right.⁹ This briefing takes the view that this is a false choice: identification can, and must, be designed in a way that safeguards children without stigmatising them.

What unites all of these figures is a single, stark fact: there is no routine mechanism, anywhere in the justice, education, health or social care systems, that identifies these children. The ASPIRE research explicitly describes them as a “hidden population”, frequently unknown to statutory services because of stigma and the absence of any systematic identification process.¹⁰ In the words of the young people consulted through the Welsh Government’s own research, nine in ten believe that schools should be told when a parent goes to prison.¹¹ Yet in practice, whether that happens depends on whether a parent chooses, or is able, to disclose it.

This is not a marginal administrative oversight, it is a structural gap with direct and measurable consequences for children’s safety, education, mental health and life chances. This paper sets out; this is a gap that sits in direct tension with the legislative and policy framework that supports children’s rights in Wales.

3. The Evidence Base

3.1 Wellbeing, trauma and mental health

Parental imprisonment is recognised internationally as an Adverse Childhood Experience (ACE), associated with a substantially increased risk of exposure to further adversities including poverty, family instability and trauma.¹² Research indicates children affected by parental imprisonment face up to three times the risk of mental health difficulties compared with their peers,¹³ alongside

⁷ Welsh Government estimates; ASPIRE (2025), *Improving wellbeing and educational outcomes for children in Wales affected by parental imprisonment*. <https://www.gov.wales/improving-wellbeing-and-educational-outcomes-children-wales-affected-parental-imprisonment-summary.html>

⁸ Keen-Downs, A., Hutchinson, A., Beesley, L., Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*, April 2025. <https://www.prisonadvice.org.uk/media/dqvjudev/identifying-children-affected-by-parental-imprisonment.pdf>

⁹ Ibid.

¹⁰ Welsh Government, ASPIRE (Actioning a Schools and Prisons Independent Research Evaluation) (2025) <https://www.gov.wales/improving-wellbeing-and-educational-outcomes-children-wales-affected-parental-imprisonment-summary.html>; CASCADE Wales, *The ASPIRE Programme – A Model of Support for Children in Wales with a parent in prison*. <https://cascadewales.org/research/aspire/>

¹¹ Welsh Government, ASPIRE (Actioning a Schools and Prisons Independent Research Evaluation) (2025) <https://www.gov.wales/improving-wellbeing-and-educational-outcomes-children-wales-affected-parental-imprisonment-summary.html>

¹² Welsh Government (2021) *Review of Adverse Childhood Experiences (ACE) Policy: Report* <https://www.gov.wales/review-adverse-childhood-experiences-ace-policy-report.html>; Turney, K. (2018) ‘Adverse childhood experiences among children of incarcerated parents’, *Children and Youth Services Review*, 89, pp. 218. https://www.researchgate.net/publication/324766323_Adverse_childhood_experiences_among_children_of_incarcerated_parents

¹³ Jones, A., Gallagher, B., Manby, M., Robertson, O., Schützwohl, M., Berman, A.H., Hirschfield, A., Ayre, L., Urban, M., Sharratt, K. and Christmann, K. (2013) *COPING: Children of Prisoners: Interventions and Mitigations to Strengthen Mental Health*. Final Project Report. Huddersfield: University of Huddersfield. <https://childrenofprisoners.eu/wp-content/uploads/2013/12/COPINGFinal.pdf>

experiences of grief, stigma and isolation.¹⁴ The ASPIRE research identifies “ambiguous loss” as a particular mechanism of harm specific to this group: a parent who is physically absent but psychologically present, producing a form of grief that is rarely recognised or supported by the services around the child.¹⁵

3.2 Educational impact

Children affected by parental imprisonment experience increased risk of poor attendance, lower attainment, exclusion, and behavioural difficulties, compounded by stigma and social isolation.¹⁶ ASPIRE identifies schools as the single most important site for early identification and support. Schools already hold knowledge of the child and family, see them daily, and are best placed to notice changes in behaviour or wellbeing. However, practice across Wales is currently inconsistent and dependent on individual staff awareness rather than any systematic approach.¹⁷

3.3 Family, income and geographic disadvantage

Families affected by parental imprisonment routinely experience sudden loss of income, housing instability, increased debt, and the breakdown of existing care and attachment arrangements.¹⁸ These effects are intensified for Welsh families by the routine placement of Welsh prisoners, and particularly Welsh women, in prisons across the English estate, adding significant travel costs and distance to an already difficult situation.¹⁹

3.4 Women in prison and the crisis for mothers

The adverse impacts of parental imprisonment are most acute where a child's mother is imprisoned. Because mothers are overwhelmingly primary caregivers, evidence suggests as many as 95% of children are forced to leave their homes when their mother enters custody, triggering immediate housing instability and disruption to care arrangements.²⁰ There are no women's prisons in Wales. Every Welsh woman given a custodial sentence is, by definition, separated from her children across the border, most commonly to HMP Eastwood Park or HMP Stryl, often well over 100 miles from home.²¹

¹⁴ Lockwood, K., Raikes, B. (2016), ‘A difficult disclosure’, in Reeves, C. (ed.), *Experiencing Imprisonment*, Routledge. <https://www.routledge.com/Experiencing-Imprisonment-Research-on-the-experience-of-living-and-working/Reeves/p/book/9781138304765>

¹⁵ Welsh Government, ASPIRE (Actioning a Schools and Prisons Independent Research Evaluation) (2025) <https://www.gov.wales/improving-wellbeing-and-educational-outcomes-children-wales-affected-parental-imprisonment-summary-html>; CASCADE Wales, *The ASPIRE Programme*. <https://cascadewales.org/research/aspire/>

¹⁶ Prison Reform Trust (2018) *What About Me? The impact on children when mothers are involved in the criminal justice system*. <https://prisonreformtrust.org.uk/publication/what-about-me-the-imPact-on-children-when-mothers-are-involved-in-the-criminal-justice-system/>

¹⁷ Welsh Government, ASPIRE (Actioning a Schools and Prisons Independent Research Evaluation) (2025) <https://www.gov.wales/improving-wellbeing-and-educational-outcomes-children-wales-affected-parental-imprisonment-summary-html>; CASCADE Wales, *The ASPIRE Programme*. <https://cascadewales.org/research/aspire/>

¹⁸ Boswell, G. (2018). Imprisoned Fathers and their Children: A Reflection on Two Decades of Research. *Child Care in Practice*, 24(2), 212–224. <https://www.tandfonline.com/doi/full/10.1080/13575279.2017.1420037>

¹⁹ Rees, A., Maxwell, N., Lyttleton-Smith, J., & Staples, E. (2022). Visiting Mum: Children's Perspectives on a Supported Scheme When Visiting Their Mother in Prison. *Child Care in Practice*, 28(3), 247–262.

<https://doi.org/10.1080/13575279.2020.1769025>. <https://www.tandfonline.com/doi/full/10.1080/13575279.2020.1769025>

²⁰ ASPIRE (2025) and associated Welsh Government commissioned research on women in custody and caregiving arrangements. <https://www.gov.wales/improving-wellbeing-and-educational-outcomes-children-wales-affected-parental-imprisonment-summary-html>

²¹ Welsh Affairs Committee (2026), *Jagged Justice: Prisons, Probation and Rehabilitation in Wales* UK Parliament. <https://committees.parliament.uk/publications/53467/documents/298896/default/> (see also committee summary: <https://committees.parliament.uk/committee/162/welsh-affairs-committee/news/214164/prisons-probation-and-rehabilitation-in-wales-overcrowded-prisons-and-workforce-pressure-undermining-safety-and-rehabilitation-mps-warn/>)

This has been confirmed by the Welsh Affairs Committee's 2026 report, *Jagged Justice: Prisons, Probation and Rehabilitation in Wales*. This report states plainly that the absence of women's prisons in Wales means every custodial sentence given to a Welsh woman results in cross-border separation from her children, and finds that the number of Welsh women receiving custodial sentences is rising rather than falling, deepening the scale of harm to children over time.²² The Committee also raises serious concern about self-harm among women held in the prisons that hold the majority of Welsh women offenders, and recommends that the Ministry of Justice reduce the cost of prison phone calls specifically to help women maintain contact with their families; a finding directly relevant to children's psychological security and to the prospects for safe reunification.²³

Most Welsh women sent to custody receive short prison sentences. In 2024, 78% of women sentenced to immediate custody in Wales received sentences of 12 months or less ²⁴, while Ministry of Justice data show that around 69% of women entering prison have committed non-violent offences.²⁵ These sentences are too short to achieve meaningful rehabilitation, but long enough to cost a child their mother, their home and their school placement. The Thomas Commission explicitly warned against the use of custody for women in these circumstances, recommending a network of Residential Women's Centres as an alternative to prison, to keep mothers in Wales and prevent the exile of non-violent offenders to England.²⁶ The Ministry of Justice previously committed to a 12-bed Residential Women's Centre in Swansea; delivery has since stalled without a confirmed timetable, a position the Welsh Affairs Committee has now directly and publicly criticised, urging the Ministry of Justice to confirm its plans "as soon as possible" and to ensure the centre is a genuine alternative to custody, "not a prison in all but name."²⁷

3.5 The intergenerational risk: what the evidence does and does not show

Pact's own review of the research is important here, because it resists both of the polarised positions that often dominate public debate. The long-standing claim that six in ten children of prisoners go on to offend themselves is no longer considered valid and is rarely used within the sector.²⁸ But the opposite claim, that there is no increased risk at all, is equally unsupported by the evidence.

A 2017 systematic review and meta-analysis by researchers at the University of California, Berkeley and the University of Cambridge, pooling results from 23 samples across 25 publications and over 3.4 million children, found that the risk of criminal behaviour is around 2.4 times higher

²² Ibid.

²³ Ibid.

²⁴ Welsh Affairs Committee 2026), *Jagged Justice: Prisons, Probation and Rehabilitation in Wales* (2026), UK Parliament. <https://committees.parliament.uk/publications/53467/documents/298896/default/>

²⁵ Ministry of Justice (2023) *Offender Management Statistics Quarterly: October to December 2022*. London: Ministry of Justice. <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2022?>

²⁶ Thomas Commission on Justice in Wales (2019), *Justice in Wales for the People of Wales*.

https://www.gov.wales/sites/default/files/publications/2019-10/Justice%20Commission%20ENG%20DIGITAL_2.pdf

²⁷ Welsh Affairs Committee 2026), *Jagged Justice: Prisons, Probation and Rehabilitation in Wales* (2026), UK Parliament. <https://committees.parliament.uk/publications/53467/documents/298896/default/> (see also committee summary: <https://committees.parliament.uk/committee/162/welsh-affairs-committee/news/214164/prisons-probation-and-rehabilitation-in-wales-overcrowded-prisons-and-workforce-pressure-undermining-safety-and-rehabilitation-mps-warn/>)

²⁸ Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*, section 'What does the research say about intergenerational offending?'. <https://www.prisonadvice.org.uk/media/dqvjudev/identifying-children-affected-by-parental-imprisonment.pdf>

for children whose parents have been involved in the criminal justice system.²⁹ Research published in 2024 by Bangor University, drawing on a sample of Welsh male prisoners, found that a third of fathers in prison had themselves lived with someone who had been in prison, and that their children were twice as likely to be exposed to domestic violence and over seven times more likely to live in a household affected by mental ill health.³⁰ Ongoing research by the Swedish Institute for Social Research has similarly found that having a parent imprisoned in childhood increases the risk of being prosecuted by around 23%, alongside significant decreases in educational attainment and adult employment.³¹

Pact's assessment, which this briefing endorses, is that this heightened risk is real, but it is neither fate nor genetics. It reflects the cumulative, compounding effect of poverty, disrupted schooling, trauma, stigma and family instability that this paper has already set out, rather than any inherent characteristic of the children themselves. Children affected by parental imprisonment show extraordinary resilience, and many actively strive to build a different future for themselves.³² The purpose of identification is to interrupt that cumulative risk through early, sensitive support, not to manage children as a future threat. Public and policy discourse on this issue should therefore avoid language that frames children as "future offenders" or as an "intergenerational offending" problem to be managed, and should instead foreground the fact that, with the right support at the right time, these children can and do thrive.³³

3.6 Children and young people's own voices

Pact's direct work with children and young people affected by parental imprisonment, through its 'Our Voice' charter (2016), 'Hear Our Voice' research (2018) and current Young Ambassador programme (2025 – ongoing) for young people age 16-20 with lived experience provides some of the clearest evidence of what this cohort actually wants from the adults and institutions around them.³⁴ Young people have consistently told Pact:

- "Stop labelling us. We did not commit the crimes."
- "We want teachers and professionals to understand that for a child or young person, having a parent in prison isn't just a "situation". It often comes with confusion, shame, anger, and grief and they may not have the words to express it".
- "We do want to be able to talk to someone. But we don't want everyone up in our business and gossiping about us."
- "If I had felt even a little bit safe or understood, maybe I wouldn't have felt like I had to hide such a big part of my life.
- "At school, we just want to be normal."

²⁹ Besemer, S., Ahmad, S.I., Hinshaw, S.P. & Farrington, D.P. (2017), 'A systematic review and meta-analysis of the intergenerational transmission of criminal behavior', *Aggression and Violent Behavior*, 37, pp. 161–178. <https://doi.org/10.1016/j.avb.2017.10.004>

³⁰ Ford, K., Bellis, M.A., Hughes, K., Judd, N. & Barton, E.R. (2024), 'Exploring the intergenerational continuity of ACEs amongst a sample of Welsh male prisoners: A retrospective cross-sectional study', *Child Protection and Practice*, 3, 100053, Bangor University. <https://doi.org/10.1016/j.chipro.2024.100053>

³¹ Swedish Institute for Social Research (SOFI), Stockholm University (2019), *What Happens to Children with Parents in Prison?* <https://www.sofi.se/english/2.17851/research/research-news>

³² Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*, section 'What does the research say about intergenerational offending?'. <https://www.prisonadvice.org.uk/media/dqvjuddev/identifying-children-affected-by-parental-imprisonment.pdf>

³³ Ibid.

³⁴ PACT (2016), *Our Voice: a charter for children and young people who have experienced a parent or brother or sister being arrested, tried and imprisoned* <https://www.prisonadvice.org.uk/advocacy/our-voice/>; Pact (2018), *Hear Our Voice: recommendations for action to safeguard children affected by the arrest and imprisonment of family members*. https://www.prisonadvice.org.uk/media/hu5d1cu0/hov_report_2018.pdf

Through the 'Our Voice' charter, children and young people set out what they wanted from adults in power, including parents, police, teachers, magistrates, judges, prison staff and charities. They asked: for their homes to be respected; to be informed about a family member's location, welfare and how to keep in touch; to be heard by those with authority; to have a choice about visits and where a loved one is sent to prison; to be understood, not judged; to be offered emotional support; and to be respected throughout the criminal justice process.³⁵

This evidence matters directly for how any identification and referral model is designed in Wales. Children consistently welcome the idea of a trusted, well-informed adult they can talk to, but are equally clear that they do not want to be treated as a safeguarding "case" discussed in a staffroom, or as a "criminal in waiting". Any Welsh model must be built around this distinction from the outset, not retrofitted once concerns about stigma emerge.

4. The Rights-Based Case: Wales's Unique Legislative Landscape

Wales occupies a distinctive position within the UK on children's rights, and this briefing argues that this distinctiveness creates not just an opportunity, but an obligation, to act on behalf of children of prisoners. Three pieces of Welsh legislation matter here: the Rights of Children and Young Persons (Wales) Measure 2011, which sets the rights framework Welsh Ministers must have due regard to; the Well-being of Future Generations (Wales) Act 2015, which sets the long-term, preventative ethos all Welsh public bodies must work to; and the Social Services and Well-being (Wales) Act 2014, which provides the operational legal machinery, i.e. assessment, prevention and support duties on local authorities, through which that framework and that ethos should actually be delivered to this cohort of children. It is this third Act, considered below, that exposes most starkly what the invisibility of children of prisoners actually costs them in practice.

4.1 The Rights of Children and Young Persons (Wales) Measure 2011

In 2011, Wales became the first nation in the UK to embed the UN Convention on the Rights of the Child (UNCRC) in domestic law. The Rights of Children and Young Persons (Wales) Measure 2011 places a legal duty on Welsh Ministers to have "due regard" to the UNCRC when exercising any of their functions, including the development of legislation and policy, and requires the publication of a Children's Scheme setting out how this duty is met, including through children's rights impact assessments.³⁶

This is a material distinction from the position in England, where no equivalent statutory duty exists. While the criminal justice system, courts, sentencing, prisons, probation and policing, remains reserved to the UK Government and Westminster; the safeguarding, social care, health and education of children in Wales are devolved responsibilities of the Welsh Government and local authorities. It means the invisibility of children of prisoners in Wales is not simply a policy gap, but arguably a live compliance issue under Welsh devolved domestic law. Several UNCRC articles are engaged directly:

- **Article 3 (Best Interests of the Child):** the child's best interests must be a primary consideration in all actions concerning them. Sentencing a primary caregiver to an English prison, without any prior children's rights impact assessment, treats the child living in Wales, as an incidental byproduct of the sentence rather than as an independent rights-holder.

³⁵ PACT (2016), *Our Voice: a charter for children and young people who have experienced a parent or brother or sister being arrested, tried and imprisoned* <https://www.prisonadvice.org.uk/advocacy/our-voice/>; Pact (2018), *Hear Our Voice: recommendations for action to safeguard children affected by the arrest and imprisonment of family members*. https://www.prisonadvice.org.uk/media/hu5d1cu0/hov_report_2018.pdf

³⁶ Rights of Children and Young Persons (Wales) Measure 2011. <https://www.legislation.gov.uk/mwa/2011/2/contents>; Law Wales <https://law.gov.wales/rights-children-and-young-persons-wales-measure-2011>; Welsh Government, *Children's Rights in Wales*. <https://www.gov.wales/childrens-rights-in-wales>

- **Article 4 (Protection of Rights):** governments must take all available measures to ensure children's rights are respected, protected and fulfilled, including by assessing domestic legislation and practice against the Convention's minimum standards.³⁷ The absence of any Welsh or UK mechanism to identify children of prisoners is precisely the kind of gap this article requires the state to close.
- **Article 9 (Separation from Parents):** children have the right to maintain personal relations and direct contact with both parents on a regular basis. The geographic distance created by sending Welsh mothers into the English estate acts as a practical, state-created barrier to this right, felt most acutely by low-income families who cannot absorb the cost and time of travel.
- **Article 12 (Respect for the Views of the Child):** children have the right to express their views on matters affecting them. There is currently no formal mechanism for a child to express how a parent's imprisonment will affect their stability, safety or schooling before or after a custodial sentence is passed.
- **Article 19 (Protection from Violence and Harm):** children must be protected from harm, neglect and maltreatment. The absence of automatic identification and referral mechanisms risks delaying safeguarding intervention in cases where a child is left in an unstable or unsuitable care arrangement.
- **Article 20 (Children Deprived of Family Environment):** a child temporarily deprived of their family environment is entitled to special protection and assistance from the state. Without a consistent identification system, this obligation is not reliably triggered.
- **Article 27 (Adequate Standard of Living):** parental imprisonment frequently causes sudden income loss, debt and housing insecurity, undermining this right directly, particularly where no automatic income stabilisation or family support mechanism exists.
- **Article 28 (Right to Education) and Article 29 (Aims of Education):** reduced attendance, exclusion and disengagement, often invisible to schools unaware of the underlying cause, undermine both the practical right to education and its developmental purpose.
- **Article 39 (Recovery and Reintegration):** children who experience trauma are entitled to support for recovery. Children affected by parental imprisonment often experience cumulative trauma with no structured, long-term pathway to support, particularly where they remain unidentified by statutory services.
- **Article 16 (Protection of Privacy):** no child shall be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence.³⁸ This right cuts both ways in this context: it is a reason to design any identification system with proportionate, carefully governed data-sharing, but it is not a reason to avoid identification altogether, since privacy is best protected by clear, lawful protocols rather than by leaving children unidentified and unsupported by default.

Taken together, these provisions demonstrate that parental imprisonment is not solely a criminal justice matter, but a cross-cutting children's rights issue. The absence of systematic identification, children's right impact assessment and support represents a structural risk of cumulative, unmitigated rights breaches across multiple UNCRC provisions, a risk that Welsh Ministers have a specific statutory duty to have due regard to under the 2011 Measure.

³⁷ Keen-Downs, A., Hutchinson, A., Beesley, L., Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*, April 2025. <https://www.prisonadvice.org.uk/media/dqvjudev/identifying-children-affected-by-parental-imprisonment.pdf>

³⁸ Keen-Downs, A., Hutchinson, A., Beesley, L., Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*, April 2025. <https://www.prisonadvice.org.uk/media/dqvjudev/identifying-children-affected-by-parental-imprisonment.pdf>

4.2 The Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 places a legal duty on Welsh public bodies, including the Welsh Government, local authorities and health boards, to work towards seven wellbeing goals (among them a more equal Wales, a healthier Wales, and a Wales of cohesive communities) and to apply five statutory ways of working: long-term thinking, prevention, integration, collaboration, and involvement.³⁹

The current invisibility of children of prisoners sits in direct tension with this Act on both counts:

- **The goals.** Children of prisoners face compounding financial hardship and educational disruption that entrenches intergenerational disadvantage, working directly against the goal of a more equal Wales. Parental imprisonment functions as a severe Adverse Childhood Experience, generating long-term mental health need that Welsh public services must then absorb, working against the goal of a healthier Wales. The exiling of primary caregivers to the English estate fractures local family and community structures, working against the goal of a Wales of cohesive communities.
- **The ways of working.** Without identification, Welsh public bodies cannot practice prevention, they can only react once harm has already occurred. Without identification, they cannot practise integration or collaboration across schools, health, social care and justice, because no single body reliably knows which children need which response. And crisis-driven responses to sudden homelessness or care breakdown are the opposite of long-term thinking.

In short: the absence of a statutory identification mechanism does not merely fail to help this cohort of children. It actively undermines the Welsh Government's ability to meet its own statutory duties under the 2015 Act.

4.3 The Social Services and Well-being (Wales) Act 2014: the missing delivery mechanism

If the 2011 Rights Measure sets out the rights framework and the 2015 Act sets out the ethos, the Social Services and Well-being (Wales) Act 2014 is the piece of legislation that should actually deliver for this cohort of children and currently does not, for the simple reason that it is never often triggered. The 2014 Act provides the operational legal framework for social care in Wales, placing duties directly on local authorities, built around five core principles: voice and control, prevention and early intervention, well-being, co-production, and partnership and integration.⁴⁰ Several of its provisions are directly, relevant to children of prisoners.

- **The prevention duty (Part 2).** Local authorities have a statutory duty to provide preventative services aimed at reducing, delaying or preventing the escalation of care and support needs.⁴¹ Children affected by parental imprisonment are, on the evidence set out in Section 3, a paradigm case for preventative intervention: the harm is foreseeable, cumulative, and capable of being reduced by early, low-level support. Yet because this

³⁹ Well-being of Future Generations (Wales) Act 2015. <https://www.legislation.gov.uk/anaw/2015/2/contents>; Welsh Government, *The essentials*. <https://www.gov.wales/well-being-future-generations-act-essentials.html>

⁴⁰ Social Services and Well-being (Wales) Act 2014. <https://www.legislation.gov.uk/anaw/2014/4/contents>; Law Wales <https://law.gov.wales/social-services-and-well-being-wales-act-2014>; Social Care Wales, *Overview of the Social Services and Well-being (Wales) Act 2014*. <https://socialcare.wales/resources-guidance/information-and-learning-hub/sswbact/overview>

⁴¹ Social Services and Well-being (Wales) Act 2014. <https://www.legislation.gov.uk/anaw/2014/4/contents>; Law Wales <https://law.gov.wales/social-services-and-well-being-wales-act-2014>; Social Care Wales, *Overview of the Social Services and Well-being (Wales) Act 2014*. <https://socialcare.wales/resources-guidance/information-and-learning-hub/sswbact/overview>

cohort is not identified, the prevention duty is never actively engaged for them as a group. It depends on chance referral rather than systematic application.

- **The duty to provide information, advice and assistance (Section 17).** Local authorities must provide an accessible information, advice and assistance service covering the care and support system and how to raise concerns about a person's wellbeing.⁴² This is a ready-made statutory hook for the "calling card" and parental signposting model set out in Section 7 of this briefing: rather than building a new information pathway from scratch, Welsh Government could require that this existing duty explicitly covers, and is proactively offered to, families experiencing parental imprisonment.
- **The right to a carer's needs assessment (Section 21).** Where it appears to a local authority that a carer may have needs for support, the authority must assess those needs; this applies to anyone providing, or intending to provide, care for a child.⁴³ When a mother is imprisoned and a grandparent, other relative or family friend steps in, as happens to an estimated 95% of affected children (see Section 3.4). That new carer already has a statutory right to request an assessment of their own needs for support. In practice this right is almost never exercised, because no part of the justice system tells these carers it exists, and because the child they are now caring for has not been identified in the first place.
- **The duty to assess and safeguard children at risk (Section 37 and related provisions).** Once a local authority is aware that a child may be a child in need of care and support, or at risk, it must assess that child's needs and, where necessary, produce a plan setting out child-focused outcomes, roles and responsibilities, and review arrangements.⁴⁴ This is precisely the machinery that should activate for children of prisoners at the point a primary caregiver is imprisoned. It does not, because as this briefing has argued throughout, no notification mechanism exists to make the local authority aware in the first place.

The pattern across all four provisions is the same, and it is the central argument of this briefing: Wales does not lack the legal entitlements this cohort of children and their carers need. It lacks the single trigger, systematic identification, that would cause those entitlements to be activated. A statutory duty to identify children affected by parental imprisonment (Recommendation 1) would not require new social care law to be written; it would, in large part, simply switch on duties that already exist under the 2014 Act. Any national model should therefore be built to work through the Act's existing architecture, regional safeguarding and partnership arrangements, the national outcomes framework, and existing information, advice and assistance services, rather than creating parallel structures alongside it.

Crucially, the 2014 Act does not simply create these duties; it also dictates how they must be exercised in relation to children. Section 7(2) of the Act provides that any person exercising functions under the Act in relation to a child must have due regard to Part 1 of the UNCRC, applying the same substantive rights set out in the Schedule to the Rights of Children and Young Persons (Wales) Measure 2011.⁴⁵ Welsh Ministers are excluded from section 7(2) only because

⁴² Social Services and Well-being (Wales) Act 2014, section 17 (information, advice and assistance); Welsh Government, *Social Services and Well-being (Wales) Act 2014: the essentials*. <https://www.gov.wales/sites/default/files/publications/2019-05/social-services-and-well-being-wales-act-2014-the-essentials.pdf>

⁴³ Social Services and Well-being (Wales) Act 2014, section 21 (assessing the needs of carers for support). <https://www.legislation.gov.uk/anaw/2014/4/section/21>

⁴⁴ Social Services and Well-being (Wales) Act 2014, section 37 and related provisions (children at risk: duty to assess and safeguard); Welsh Government, *Working Together to Safeguard People*, Volume I. <https://www.gov.wales/sites/default/files/publications/2019-05/working-together-to-safeguard-people-volume-i-introduction-and-overview.pdf>

⁴⁵ Social Services and Well-being (Wales) Act 2014, section 7(2) (due regard to Part 1 of the UNCRC, as set out in the Schedule to the Rights of Children and Young Persons (Wales) Measure 2011; the duty does not apply to the Welsh Ministers, who are instead subject to the 2011 Measure directly). <https://www.legislation.gov.uk/anaw/2014/4/section/7>

they are already bound by the equivalent duty under the 2011 Measure. The effect of the two provisions read together is that the due regard duty runs continuously from Welsh Government policy-making all the way down to a single social worker's assessment of an individual child.⁴⁶ This matters directly for this briefing's argument. It means that when a local authority does exercise a prevention, information and advice, carer's assessment or child-in-need function in relation to a child affected by parental imprisonment, it is not exercising a discretion at large: it is legally required to have due regard to that child's rights under Articles 3, 9, 12, 19, 20, 27, 28, 29 and 39 (set out in Section 4.1) in deciding how that function is carried out.

The practical implication is that the rights-based case made in Section 4.1 is not confined to the 2011 Measure and to Welsh Ministers. It runs through to the point of individual service delivery under the 2014 Act, and should be reflected explicitly in any statutory guidance, code of practice or national practice model developed under Recommendation 8. A social worker assessing a kinship carer's needs following a mother's imprisonment, for example, is already under a duty to have due regard to that child's Article 9 right to maintain contact with her and Article 20 entitlement to special protection, but can only discharge that duty in relation to a child who has first been identified.

The Act's practice architecture also reveals a specific, fixable gap. Under Part 7 of the 2014 Act, Welsh Government has issued the *Working Together to Safeguard People: Code of Safeguarding Practice*, sitting alongside the Wales Safeguarding Procedures, which together set out how safeguarding duties under the Act are applied in practice, supported by a set of All-Wales Practice Guides covering specific groups of children.⁴⁷ Those guides already give practitioners dedicated, practical guidance on categories including children who go missing, children affected by sexual exploitation, and children affected by neglect. As things stand, however, they do not include a dedicated guide for children affected by parental imprisonment, despite the scale and severity of the evidence set out in this briefing.⁴⁸ This is not a legislative gap, the Act and its Code already apply to all children, including this cohort, but a practice guidance gap, and one of the more straightforward fixes available to Welsh Government: commissioning an All-Wales Practice Guide for children affected by parental imprisonment would embed identification and response directly into the safeguarding architecture practitioners already use daily. Separately, the existing Wales Accord on the Sharing of Personal Information (WASPI) already provides a lawful, ready-made framework for exactly the kind of proportionate, multi-agency data-sharing this briefing recommends between justice agencies, schools, health and social care, and should be used as the basis for any new information-sharing protocol rather than a bespoke arrangement being designed from scratch.⁴⁹

⁴⁶ Ibid.

⁴⁷ Welsh Government (2022), *Working Together to Safeguard People: Code of Safeguarding Practice*, issued under Part 7 of the Social Services and Well-being (Wales) Act 2014. https://www.gov.wales/sites/default/files/publications/2022-01/working-together-to-safeguard-people--code-of-safeguarding-practice_0.pdf; Social Care Wales, statutory guidance under the Act. <https://socialcare.wales/resources-guidance/information-and-learning-hub/sswbact/statutory-guidance>; Wales Safeguarding Procedures, All-Wales Practice Guides. <https://www.safeguarding.wales/en/chi-i/chi-i-c6/>

⁴⁸ NICCO (2025), *Improving wellbeing and educational outcomes for children in Wales affected by parental imprisonment: literature, policy and practice reviews*, para. 3.4, noting that the All-Wales Practice Guides "highlight different categories of children but, thus far, do not include children with an imprisoned parent." <https://www.nicco.org.uk/userfiles/downloads/6808de48336b4-improving-wellbeing-and-educational-outcomes-for-children-in-wales-affected-by-parental-imprisonment-literature-policy-and-practice-reviews.pdf>

⁴⁹ Welsh Government, *Wales Accord on the Sharing of Personal Information (WASPI)*. <https://www.waspi.gov.wales/>; <https://www.gov.wales/wales-accord-sharing-personal-information-waspi>

4.4 Education law and guidance: existing touchpoints, not yet a trigger

Welsh education law and statutory guidance already offer several points at which a child affected by parental imprisonment could be recognised, though none currently function as a trigger at the point a parent is sentenced. Welsh Government's guidance on school attendance codes already lists "prison visits" as an example of a circumstance for which a school may authorise leave of absence, alongside bereavement and being a young carer, an implicit acknowledgement of this cohort, but not a standardised, recorded category.⁵⁰ This guidance is presently under live review following a February 2026 consultation, giving Welsh Government a genuine and low-cost opportunity to introduce a distinct, named attendance code for children whose parent or carer enters custody, without new legislation, and to generate national data through the existing school census for the first time.⁵¹

Other duties reinforce this opportunity without replacing it. Local authorities must already trace children who go missing from education, a backstop that can surface a family's circumstances after a sudden house move or school withdrawal, but only after the event.⁵² Where a child's presenting difficulties meet the threshold, the Additional Learning Needs and Education Tribunal (Wales) Act 2018 already provides a statutory route to an Individual Development Plan, though this depends on a school first noticing, and correctly attributing, the child's needs.⁵³ Most notably, Welsh Government's 2021 framework embedding a whole-school approach to emotional and mental wellbeing, issued as statutory guidance to governing bodies, already names "supporting the children of imprisoned parents/carers" as a subject for staff training, the clearest existing acknowledgement of this cohort anywhere in Welsh education policy, though one that operates at the level of staff awareness rather than identification.⁵⁴

Taken together, these provisions confirm the pattern set out in Section 4.3: Wales already has legislative and policy architecture capable of supporting this cohort once schools know who they are. What is missing, again, is the trigger. Amending the live attendance code review to add a specific code for parental imprisonment, and updating Keeping Learners Safe to name sentencing of a parent as a notifiable event for the Designated Safeguarding Lead, would be two of the most direct, routes to closing that gap from the education side.⁵⁵

5. The Governance Gap: Devolution, the Thomas Commission and Jagged Justice

The structural cause underlying much of this is well understood and has now been examined from both the Welsh and the UK perspective.

⁵⁰ Education Act 1996, section 434; The Education (Pupil Registration) (Wales) Regulations 2010; Welsh Government, draft guidance on school attendance codes (February 2026 consultation), listing "prison visits" as an example of a leave-of-absence circumstance. <https://www.gov.wales/sites/default/files/consultations/2026-02/guidance-on-school-attendance-codes-draft-guidance.pdf>

⁵¹ Welsh Government, *Review of School Attendance Codes*. <https://www.gov.wales/review-school-attendance-codes.html>; School attendance codes: guidance. <https://www.gov.wales/school-attendance-codes-guidance>

⁵² Welsh Government, *Statutory guidance to help prevent children and young people from missing education* (2020). <https://www.gov.wales/sites/default/files/publications/2020-09/statutory-guidance-help-prevent-children-young-people-missing-education.pdf>

⁵³ Additional Learning Needs and Education Tribunal (Wales) Act 2018. <https://www.legislation.gov.uk/anaw/2018/2/contents>; Law Wales. <https://law.gov.wales/additional-learning-needs-and-education-tribunal-wales-act-2018>

⁵⁴ NICCO (2025), *Improving wellbeing and educational outcomes for children in Wales affected by parental imprisonment: literature, policy and practice reviews*, para. 3.11, quoting Welsh Government's 2021 whole-school framework's reference to training on "attachment disorder, emotion coaching, restorative approaches, and supporting the children of imprisoned parents/carers and those exposed to domestic abuse". <https://www.nicco.org.uk/userfiles/downloads/6808de48336b4-improving-wellbeing-and-educational-outcomes-for-children-in-wales-affected-by-parental-imprisonment-literature-policy-and-practice-reviews.pdf>

⁵⁵ Welsh Government, *Keeping Learners Safe* (2022). <https://www.gov.wales/keeping-learners-safe>

The Thomas Commission on Justice in Wales (2019) concluded that the current devolution settlement, in which justice and policing remain reserved to Westminster while health, education and social care are devolved to Wales, is structurally incoherent. It found fragmentation between devolved services and reserved justice functions, misalignment between UK sentencing practice and Welsh wellbeing policy, and a reduced ability to deliver preventative, integrated justice models. The Commission recommended full devolution of justice and policing to Wales, alongside more immediate measures including a single system for children and family justice and a network of women's centres as an alternative to custody.⁵⁶

More recently, the Welsh Affairs Committee's 2026 report, *Jagged Justice: Prisons, Probation and Rehabilitation in Wales*, examined the same fault line from Westminster and reached a strikingly similar conclusion, describing the division of responsibility as a "jagged edge" i.e. criminal justice reserved to the UK Government, while the services essential to effective rehabilitation and family stability (health, housing, education) remain devolved to Wales.⁵⁷ That two independent inquiries, from different governments and five years apart, have identified the same structural fracture is itself significant. It clearly presents a shared, cross-institutional diagnosis of a governance failure with direct consequences for children.

The practical effect for children of prisoners is a governance bottleneck: the UK Government controls sentencing and custody decisions that determine whether a child is separated from a parent, how far away, and for how long, while the Welsh Government is left to manage the downstream consequences for that child's education, health and safeguarding, without oversight of, or influence over, the decision that created the need. This structural imbalance produces fragmented accountability, delayed intervention, duplicated cost, and avoidable harm to children that could, in principle, be prevented at source.

6. Political Momentum for Reform

There is a converging body of political commitment that makes this an opportune moment to act.

Plaid Cymru's 2026 Senedd manifesto commits to a Human Rights Act for Wales, fully incorporating international treaties including the UNCRC into Welsh law, a commitment that would place the rights-based analysis in Section 4 above on an even firmer statutory footing.⁵⁸ The manifesto's five headline priorities include child poverty, alongside a specific commitment (Cynnal) to pilot a weekly child payment for children in low-income households, a recognition that structural, preventative measures for disadvantaged children are a governing priority rather than a peripheral concern.⁵⁹ Plaid Cymru's long-standing policy platform also includes

⁵⁶ Thomas Commission on Justice in Wales (2019), *Justice in Wales for the People of Wales*.

https://www.gov.wales/sites/default/files/publications/2019-10/Justice%20Commission%20ENG%20DIGITAL_2.pdf

⁵⁷ Welsh Affairs Committee (2026), *Jagged Justice: Prisons, Probation and Rehabilitation in Wales* UK Parliament.

<https://committees.parliament.uk/publications/53467/documents/298896/default/> (see also committee summary: <https://committees.parliament.uk/committee/162/welsh-affairs-committee/news/214164/prisons-probation-and-rehabilitation-in-wales-overcrowded-prisons-and-workforce-pressure-undermining-safety-and-rehabilitation-mps-warn/>)

⁵⁸ Plaid Cymru, *For Wales — 2026 Manifesto*.

https://assets.nationbuilder.com/plaid2016/pages/41843/attachments/original/1775140240/For_Wales_-_2026_Manifesto.pdf

⁵⁹ Plaid Cymru, *Easy Read 2026 Manifesto*

https://assets.nationbuilder.com/plaid2016/pages/41843/attachments/original/1775552685/Easy_Read_Plaid_Cymru_Manifesto_2026.pdf; coverage of the Cynnal child payment commitment, nation.cymru.

<https://nation.cymru/feature/plaid-cymru-2026-senedd-election-manifesto-what-does-it-say-what-does-it-mean-and-how-will-it-affect-you/>

devolution of justice and policing to Wales and community-based alternatives to custodial sentencing, both directly aligned with the Thomas Commission's findings.⁶⁰

The UK Government (Labour) manifesto included a commitment to improve the identification and support of children affected by parental imprisonment, recognising them as a hidden population requiring earlier intervention and more consistent safeguarding responses.⁶¹ Progress against this commitment has to date been limited to exploratory work and the recent announcement of two localised pilots in England⁶², with no confirmed timetable for full statutory implementation, creating a gap between stated UK policy intent and delivery that Wales does not need to wait on.

Precedent already exists for exactly this kind of reform. Operation Encompass, the scheme through which police notify a child's school before the next school day when officers have attended a domestic abuse incident involving that child, began as a voluntary, locally-led initiative and has since been placed on statutory footing across England and Wales through the Victims and Prisoners Act 2024, which imposes a statutory duty on all territorial police forces to operate the scheme.⁶³ This demonstrates both that cross-agency notification models of this kind are operationally deliverable at national scale, and that government is willing to move such schemes from good practice to statutory duty once the evidence and the political will exist. Children of prisoners deserve the same treatment.

Taken together, the evidence base built through ASPIRE, and Pact the rights framework created by the 2011 Measure, the 2014 Social Services and Well Being Act, and the 2015 Well Being and Future Generations Act, the constitutional diagnosis shared by the Thomas Commission and the Welsh Affairs Committee, and the political commitments already made by both the Welsh and UK Governments, make the case for reform unusually well-aligned. What is missing is not evidence, analysis or political appetite in principle, it is a decision to act.

7. Emerging Models of Practice

The Welsh Government's own ASPIRE research, and comparable UK evidence, point towards a deliverable model built on five elements.

1. School-based identification and support. Schools already hold the relationship, the daily contact, and the ability to notice change. The ASPIRE research's review of the "School Zone" model operating at HMP Parc and HMP Cardiff demonstrates the feasibility of structured collaboration between prisons and schools in a Welsh context.⁶⁴

2. A technical mechanism for identification. Pact's analysis identifies two viable data-sharing models. The first is Thames Valley Police's Operation Paramount, which has demonstrated success in using police and community data to identify children affected by parental

⁶⁰ Thomas Commission on Justice in Wales (2019), *Justice in Wales for the People of Wales*.

https://www.gov.wales/sites/default/files/publications/2019-10/Justice%20Commission%20ENG%20DIGITAL_2.pdf

⁶¹ The Labour Party, *Change: Labour Party Manifesto 2024* (2024), commitments on children affected by parental imprisonment. <https://labour.org.uk/wp-content/uploads/2024/06/Labour-Party-manifesto-2024.pdf>

⁶² Ministry of Justice, Press Release: Government action so children do not pay for a parent's crime.

<https://www.gov.uk/government/news/government-action-so-children-do-not-pay-for-a-parents-crime>

⁶³ Operation Encompass. <https://www.operationencompass.org/>; Victims and Prisoners Act 2024, Section 20.

<https://www.legislation.gov.uk/ukpga/2024/21/section/20>

⁶⁴ Welsh Government, ASPIRE (Actioning a Schools and Prisons Independent Research Evaluation) (2025)

<https://www.gov.wales/improving-wellbeing-and-educational-outcomes-children-wales-affected-parental-imprisonment-summary-html>; CASCADE Wales, *The ASPIRE Programme*. <https://cascadewales.org/research/aspire/>

imprisonment. However, we believe the referral pathway within this model is less effective, as it relies on police officers taking the lead in offering support.

The second is Operation Encompass, an established model through which schools are notified when police attend a domestic abuse incident involving a child's household. This approach to identification and information-sharing is already familiar to schools and enables designated safeguarding leads to make timely, informed offers of support. As a result, it provides a more appropriate framework for supporting children with a parent in prison.

3. A referral pathway that deliberately keeps the justice system at arm's length from the child.

Pact's clear recommendation, based on the experiences of the families they support, is that a national model should not be led by police contact or result in immediate social services involvement with families, given the fear, embarrassment and stigma this can cause, particularly for families who have already experienced a home search or arrest in front of their children.⁶⁵ Instead, referrals should run to professionals outside the justice system: the Designated Safeguarding Lead for school-age children, and Health Visitors for children under five, escalating to police or children's social care only where a child's circumstances meet an existing safeguarding threshold.⁶⁶ Pacts own "calling card" model, developed with Avon and Somerset Police for use during warrant executions in family homes, offers a proportionate way of signposting parents and carers to support at the point of arrest without requiring a heavier-handed referral process.⁶⁷

4. A national workforce development offer. ASPIRE and Pact both identify workforce confidence as a critical barrier: professionals frequently lack understanding of the criminal justice process and its impact on children, and some schools remain in denial that they have affected pupils at all.⁶⁸ Pacts digital Schools' Toolkit is already in use in more than 350 schools and 45 local authorities across England and Wales, and Pact has delivered face-to-face training, including prison visits, to 360 teachers and practitioners from 267 schools. Evidence shows that a national training offer of this kind is deliverable and well received once schools engage with it, 97% of teachers reported feeling better equipped to support children affected by imprisonment following the training.⁶⁹

5. Proportionate, rights-respecting data governance. Children and young people consulted through both Welsh Government research and Pact's own charter work were clear that identification must not come at the cost of stigma or being treated as a "future offender"; any

⁶⁵ Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*, sections 'To whom should referrals be made?' and 'How should referrals be handled?'.

<https://www.prisonadvice.org.uk/media/dqvjudev/identifying-children-affected-by-parental-imprisonment.pdf>

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Welsh Government, ASPIRE (Actioning a Schools and Prisons Independent Research Evaluation) (2025) <https://www.gov.wales/improving-wellbeing-and-educational-outcomes-children-wales-affected-parental-imprisonment-summary.html>; CASCADE Wales, *The ASPIRE Programme*. <https://cascadewales.org/research/aspire/>

⁶⁹ Pact, *Schools' Toolkit*, cited in Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*. <https://www.prisonadvice.org.uk/schools-toolkit>; <https://www.prisonadvice.org.uk/media/dqvjudev/identifying-children-affected-by-parental-imprisonment.pdf>

model must be confidential, proportionate and child-centred, with data-sharing protocols aligned to the requirements of the UNCRC.^{70 71}

Approaches such as Operation Encompass demonstrate the feasibility of targeted, sensitive identification work at a technical level, while Pact's evidence underlines the importance of avoiding police or social services led referral wherever possible in any national rollout, given the risk of reinforcing stigma.^{72 73}

8. Recommendations

This briefing recommends that Welsh Government should:

1. **Ensure a statutory duty to identify children affected by parental imprisonment is urgently introduced** and placed on relevant justice and public bodies operating in relation to Wales, modelled on the statutory footing now given to Operation Encompass under the Victims and Prisoners Act 2024, and pursued jointly with the UK Government given the current reserved status of justice.
2. **Develop a national model of school-based identification and support**, building directly on the ASPIRE research and the ongoing success of targeted training for school practitioners on the issue of children affected by imprisonment, for phased rollout across all Welsh local authorities.
3. **Introduce a formal notification pathway** from courts, prisons and probation services to a child's school (via the Designated Safeguarding Lead) and, for pre-school children, to health visitors, on the Operation Encompass model, deliberately routed away from police-led contact with families, in line with Pact's direct evidence on the risks of stigma and fear this can cause.⁷⁴
4. **Adopt a Welsh "calling card" scheme**, modelled on Pact's partnership with Avon and Somerset Police, to ensure parents and carers are signposted to support and advice at the point a family member is arrested or imprisoned.⁷⁵
5. **Issue public communications guidance** for government, statutory bodies and delivery partners to ensure this agenda is never framed around "intergenerational offending" or children as "future offenders", in line with the direct evidence of children and young people themselves.^{76 77}

⁷⁰ Welsh Government, ASPIRE (Actioning a Schools and Prisons Independent Research Evaluation) (2025) <https://www.gov.wales/improving-wellbeing-and-educational-outcomes-children-wales-affected-parental-imprisonment-summary-html>;

⁷¹ Pact (2016), *Our Voice: a charter for children and young people who have experienced a parent or brother or sister being arrested, tried and imprisoned* <https://www.prisonadvice.org.uk/advocacy/our-voice/>; Pact (2018), *Hear Our Voice: recommendations for action to safeguard children affected by the arrest and imprisonment of family members*. https://www.prisonadvice.org.uk/media/hu5d1cu0/hov_report_2018.pdf

⁷² Thames Valley Violence Prevention Partnership, *Operation Paramount*. <https://www.tvvpp.co.uk/project/paramount/>
⁷³ Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*, sections 'To whom should referrals be made?' and 'How should referrals be handled?'.

<https://www.prisonadvice.org.uk/media/dqvjudev/identifying-children-affected-by-parental-imprisonment.pdf>

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Pact (2016), *Our Voice: a charter for children and young people who have experienced a parent or brother or sister being arrested, tried and imprisoned* <https://www.prisonadvice.org.uk/advocacy/our-voice/>; Pact (2018), *Hear Our*

6. **Undertake a Children's Rights Impact Assessment** of current sentencing, custody and family separation practice as it affects Welsh children, to support fulfilment of the UNCRC, as per commitments under Welsh Government's due regard duty under the Rights of Children and Young Persons (Wales) Measure 2011.
7. **Issue statutory guidance under the Social Services and Well-being (Wales) Act 2014** confirming that children affected by parental imprisonment, and the family members who take on their care, fall within the scope of the Act's prevention duty, its Section 17 information, advice and assistance duty, and the Section 21 right to a carer's needs assessment, ensuring that identification activates entitlements that already exist in law, rather than requiring new ones to be created.^{78 79 80}
8. **Develop a dedicated All-Wales Practice Guide on children affected by parental imprisonment**, issued under the Wales Safeguarding Procedures and the Code of Safeguarding Practice made under Part 7 of the Social Services and Well-being (Wales) Act 2014, so that this cohort sits alongside other recognised categories of vulnerable children within existing safeguarding practice guidance, rather than remaining absent from it.^{81 82}
9. **Introduce a distinct school attendance code for children whose parent or carer enters custody**, using the live 2026 review of Welsh Government's school attendance codes to replace the current informal "prison visits" example with a standardised, recorded category, generating national data on this cohort through the existing school census for the first time and without the need for new legislation.^{83 84}
10. **Press the UK Government and Ministry of Justice to confirm, without further delay, delivery of the Swansea Residential Women's Centre**, in line with the Thomas Commission's recommendation and the Welsh Affairs Committee's 2026 findings, to reduce the cross-border separation of Welsh mothers from their children.

Voice: recommendations for action to safeguard children affected by the arrest and imprisonment of family members.
https://www.prisonadvice.org.uk/media/hu5d1cu0/hov_report_2018.pdf

⁷⁸ Social Services and Well-being (Wales) Act 2014. <https://www.legislation.gov.uk/anaw/2014/4/contents>; Law Wales <https://law.gov.wales/social-services-and-well-being-wales-act-2014>; Social Care Wales, Overview of the Social Services and Well-being (Wales) Act 2014. <https://socialcare.wales/resources-guidance/information-and-learning-hub/sswbact/overview>

⁷⁹ Social Services and Well-being (Wales) Act 2014, section 17 (information, advice and assistance); Welsh Government, *Social Services and Well-being (Wales) Act 2014: the essentials*. <https://www.gov.wales/sites/default/files/publications/2019-05/social-services-and-well-being-wales-act-2014-the-essentials.pdf>

⁸⁰ Social Services and Well-being (Wales) Act 2014, section 21 (assessing the needs of carers for support). <https://www.legislation.gov.uk/anaw/2014/4/section/21>

⁸¹ Welsh Government (2022), *Working Together to Safeguard People: Code of Safeguarding Practice*, issued under Part 7 of the Social Services and Well-being (Wales) Act 2014. https://www.gov.wales/sites/default/files/publications/2022-01/working-together-to-safeguard-people--code-of-safeguarding-practice_0.pdf; Social Care Wales, statutory guidance under the Act. <https://socialcare.wales/resources-guidance/information-and-learning-hub/sswbact/statutory-guidance>; Wales Safeguarding Procedures, All-Wales Practice Guides. <https://www.safeguarding.wales/en/chi-i/chi-i-c6/>

⁸² NICCO (2025), *Improving wellbeing and educational outcomes for children in Wales affected by parental imprisonment: literature, policy and practice reviews*, para. 3.4, noting that the All-Wales Practice Guides "highlight different categories of children but, thus far, do not include children with an imprisoned parent." <https://www.nicco.org.uk/userfiles/downloads/6808de48336b4-improving-wellbeing-and-educational-outcomes-for-children-in-wales-affected-by-parental-imprisonment-literature-policy-and-practice-reviews.pdf>

⁸³ Education Act 1996, section 434; The Education (Pupil Registration) (Wales) Regulations 2010; Welsh Government, draft guidance on school attendance codes (February 2026 consultation), listing "prison visits" as an example of a leave-of-absence circumstance. <https://www.gov.wales/sites/default/files/consultations/2026-02/guidance-on-school-attendance-codes-draft-guidance.pdf>

⁸⁴ Welsh Government, *Review of School Attendance Codes*. <https://www.gov.wales/review-school-attendance-codes.html>; *School attendance codes: guidance*. <https://www.gov.wales/school-attendance-codes-guidance>

11. **Develop a national training offer** for education, health and social care professionals on the impact of parental imprisonment and appropriate trauma-informed responses, aligned with the Wales National Trauma Informed Framework, building on and adapting existing third-sector resources, including Pact's Schools' Toolkit, already used in over 350 schools and 45 local authorities, rather than building provision from scratch.⁸⁵
12. **Establish proportionate, UNCRC-aligned data-sharing protocols** governing identification and referral, developed with children and young people with lived experience, to ensure identification supports rather than stigmatises, built on the existing Wales Accord on the Sharing of Personal Information (WASPI) framework rather than a new, bespoke arrangement.⁸⁶
13. **Establish a cross-government oversight and delivery group**, spanning justice, education, health and social care, to close the governance gap identified by both the Thomas Commission and the Welsh Affairs Committee and to track delivery against these recommendations.
14. **Continue to collect evidence on the impact on prisoner's children** if the Thomas Commission devolution recommendations were to be implemented.

Conclusion

Children of prisoners in Wales are, by the Welsh Government's own evidence and Pact's two decades of frontline practice, a hidden population experiencing measurable harm to their wellbeing, education and life chances; harm that is entirely foreseeable and, in significant part, preventable.

Wales has chosen, through the 2011 Rights Measure, the Well-being of Future Generations Act and the Social Services and Well-being (Wales) Act 2014, to be a nation that places children's rights, long-term prevention and a statutory framework of care and support at the heart of public policy. On this cohort of children, that commitment is not yet being met, not because the law does not provide for them, but because the single mechanism needed to activate it, systematic identification, does not exist. The evidence exists. The legislative framework already requires action. The political commitments are already on the table, from Plaid Cymru's manifesto pledges to the UK Government's own stated intent. And, as Pact's own work with children and young people makes clear, the model for reform must be built around what this cohort has consistently and clearly asked for: to be seen and supported, without being labelled or judged. What is needed now is a decision to close the gap between Wales's rights-based ambitions and the reality faced by thousands of children who remain, at present, effectively invisible to the system meant to protect them.

⁸⁵ Pact, *Schools' Toolkit*, cited in Pact (2025), *Identifying children affected by parental imprisonment: recommendations from Pact*. <https://www.prisonadvice.org.uk/schools-toolkit>;

<https://www.prisonadvice.org.uk/media/dqvjudew/identifying-children-affected-by-parental-imprisonment.pdf>

⁸⁶ Welsh Government, *Wales Accord on the Sharing of Personal Information (WASPI)*. <https://www.waspi.gov.wales/>;
<https://www.gov.wales/wales-accord-sharing-personal-information-waspi>