



Counting the cost of maternal imprisonment

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About Crest Advisory

We are crime and justice specialists - equal parts research, strategy and communication. From police forces to public inquiries, from tech companies to devolved authorities, we believe all these organisations (and more) have their own part to play in building a safer, more secure society. As the UK's only consultancy with this focus, we are as much of a blend as the crime and justice sector itself.

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This research includes references to self-harm, suicide, domestic abuse and substance misuse which some people will find upsetting.

Foreword

Most people in their day to day lives do not give much thought to prisons, and certainly not the hundreds of mothers currently incarcerated across our country, unsure of when or if they will see their children again. The thought of being forcibly separated from your children is so painful, that most dare not even contemplate it.

But for these women, and the children left often suddenly, without their mother, this is a painful reality – and one that deserves to be heard, thought about and challenged.

Recent horrific reports of the treatment of pregnant women and infant deaths in prison has brought the issue of maternal imprisonment sharply to the public's attention.

I hope we may be at a turning point where those who have not questioned it before are starting to ask- *Why are mothers and pregnant women sent to prison rather than community-based options?* The vast majority of women are on short prison sentences for non-violent crimes, but nevertheless it's enough to tear mothers away from children, sometimes permanently.

This report adds vital evidence to compliment a growing body of academic work on maternal imprisonment that suggests there has to be another way. As it highlights however, there is still a considerable lack of comprehensive official data around mothers in the justice system. Opportunities are systematically missed to gather data that could allow for a more informed and compassionate response.

As Founder and Chair of One Small Thing, a charity which works to redesign the justice system for women and their children, and educate on the impact of trauma, this research could not be more crucial.

The report shines a light on preventable and unnecessary trauma.

Decision makers and professionals working with the justice system should take heed of this report and the recommendations for urgent change.

A handwritten signature in black ink, consisting of a stylized 'E' and 'G'.

Edwina Grosvenor, Founder and Chair of One Small Thing

Executive Summary

The Government's Female Offender Strategy¹ contains the core strategic objective of having '*fewer women in custody (especially on short-term sentences) and a greater proportion of women managed in the community successfully*'. This report focuses on the cost of female imprisonment for two particularly vulnerable groups; mothers who are imprisoned and their children. However, *maternal imprisonment* also has a high cost for the taxpayers who fund the agencies charged with picking up the pieces in the longer term. To explain the wider impact of maternal imprisonment, it is necessary to take a 'whole systems approach', analysing how the criminal justice system responds to maternal imprisonment, identifying the impacts of existing responses not only on the life chances of imprisoned mothers and their children, but also the economic impact through potentially avoidable costs which accrue.

The 2019 Farmer Review for Women², commissioned as part of the Government's Female Offender Strategy³, emphasised the importance of strengthening female offenders' positive family relationships – a '*rehabilitation asset*' - including supporting mothers in prison to maintain contact with their children. The review also highlighted the lack of official government data on the number of women in prison who are mothers, and the number of children affected by maternal imprisonment, calling for this to be addressed.

Since Lord Farmer's review there has been increased political interest in mothers in prison, with a number of APPG and Select Committee inquiries into the issue, and amendments⁴ tabled to the Policing, Crime, Sentencing and Courts Bill 2021 aiming to place the impact of sending mums to prison at the forefront of bail and sentencing decisions.

Two years on, there is still no comprehensive data around mothers in the criminal justice system. Our research reveals several key points in the journey of a mother through the criminal justice system at which data collection is not taking place, or where data is collected, it is done so inconsistently or is ineffective in identifying maternal status. As a consequence, agencies have little understanding of the number of women and children affected by maternal imprisonment in the communities they serve. Thus opportunities to deliver effective interventions which could reduce the impact of imprisonment on them, and on wider society, are missed.

Lord Farmer was clear in his review that for women family ties should be a 'golden thread' running through the criminal justice system, central to the design of diversion programmes such as out of court disposals and probation support. Recently published research by the academic Dr. Lucy Baldwin calls for trauma-informed interventions for women which recognise motherhood and maternal identity, tackling links to mental illness, substance misuse and offending behaviour.⁵ Crest's research echoes and strengthens Baldwin's findings, highlighting

¹ Ministry of Justice (MOJ) (2018), *Female Offender Strategy*

² Lord Farmer (2019), *The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime*

³ Ministry of Justice (MOJ) (2018), *Female Offender Strategy*

⁴ <https://committees.parliament.uk/publications/6906/documents/72588/default/>

⁵ Baldwin, L (2020) *Motherhood Challenged: A matricentric feminist study exploring the persistent impact of maternal imprisonment on maternal identity and role*

that interventions tailored to mothers' needs are lacking at every stage in the criminal justice system, and as a result maternal identity is vastly underused as a rehabilitation asset .

Our research found that a deep distrust of local authority social services, compounded by poor communication and information sharing, forms a significant barrier to engaging mothers with services which could help prevent them from offending and support prolonged desistance. Our research also suggests there is a significant cohort of mothers in the criminal justice system who have had children removed from their care. The specific journey of these mothers into and through the criminal justice system needs to be better understood and the underlying causes addressed.

Practitioners and policy makers now understand parental imprisonment as an Adverse Childhood Experience (ACE). *Maternal* imprisonment has a far greater impact on children than paternal imprisonment, since mothers are more often the sole or primary carer.

We found that the effects of maternal imprisonment can be severe and long-lasting on children, leading to exclusion from school, increased vulnerability to exploitation, mental health issues and youth crime, ultimately leading to incarceration. Children are not routinely offered targeted support to deal with the acute trauma of separation from their mother which could reduce the impacts. The financial and social cost of this missed opportunity is significant. Our research shows that interventions with children affected by maternal imprisonment were costing the taxpayer as much as £265,008 per family when the cost of the mother's custodial sentence is taken into consideration.

Current sentencing guidelines are designed to ensure judges and magistrates consider sole or primary carer status as a mitigating factor, yet our research also suggests that awareness of and application of these guidelines is low.

Ultimately, as many of the mothers we spoke to emphasised, it is children who bear the consequences of maternal imprisonment. It is vital that agencies come together with comprehensive, integrated strategies to mitigate the huge societal costs of sending mothers to prison.

The costs of maternal imprisonment on mothers, their children and on the exchequer cannot be addressed by one agency alone but must be the work of the whole system which it activates; from safer neighbourhood teams and schools to probation workers and social services.

Key findings

Data collection on maternal status is inconsistent, limiting the ability of relevant agencies to understand the scope and scale of those affected by maternal imprisonment

- Many agencies don't proactively record this information and, where they do, data collection is inconsistent
- The way questions are worded is vital to ensuring all maternal circumstances are recorded, not just sole or primary carer status
- Reluctance to disclose maternal status for fear of social services involvement is an important barrier to data collection

The trauma of separation from children is not sufficiently recognised or understood by the prison system

- Mothers experience significant emotional distress which prisons are not equipped to deal with. Behaviour linked to this distress can be labelled as aggressive, which perversely counts against mothers in procedures related to contact with their children
- Uniformed prison staff working on the wing face challenges in identifying and supporting mothers with the trauma of separation from children
- Practical barriers within the system undermine the ability of mothers to maintain contact with their children, including ROTL processes, prison transfers and closed prison conditions

Maternal rights are undermined by poor relationships with social services

- Mothers in prison often don't know their parental rights, piecing knowledge together through conversations with other prisoners over time. This can result in long periods with no contact or visitation until mothers assert their rights
- A lack of consistency from social workers in their approach to prison visits and contact with children creates a postcode lottery for mothers
- Insufficient steps are taken to ensure mothers can engage in local authority meetings and court proceedings related to their children's care

Mothers face a specific set of challenges on release from prison

- The lack of appropriate housing for women is a barrier to re-establishing contact with children and the application process for social housing creates a 'Catch 22' for mothers attempting to get a home big enough to accommodate their children
- Mothers are often unprepared for and unsupported with the challenges of rebuilding relationships with their children, which can include anger and resentment from older children and attachment issues in younger children
- Probation services don't sufficiently recognise and support the specific needs of mothers, undermining their ability to maximise motherhood as a rehabilitation asset

Maternal imprisonment is a significant trauma for children with potentially devastating consequences

- Arrest and court proceedings can be traumatic for children. Their voices are not being heard throughout the criminal justice process
- A lack of honest communication with children about what is happening heightens confusion and creates distrust
- Stigma and shame around maternal imprisonment has adverse impacts on children's education and social relationships
- In the longer term, maternal imprisonment can have life-long adverse effects for children, and therefore a significant cost to society

Opportunities to divert mothers out of the criminal justice system are being missed

- The removal of a child/children by social services is a common trigger for substance misuse and toxic relationships which can lead to further offending. It is likely that there is a significant cohort of women in prison who are mothers whose children were removed some time prior to the offence for which they were given a custodial sentence
- The journey of mothers who have experienced the removal of a child into the criminal justice system is not sufficiently recognised or understood, nor are these mothers captured by current data collection systems
- Diversionary schemes and community orders are not addressing the needs of mothers who offend, leaving many in a cycle of short sentences
- Awareness of relevant sentencing guidelines related to sole and primary carers is low, and the judiciary are failing to adequately consider the impact of custody on children

Principles for reform

Our research points us towards three broad principles which should guide the response to mitigating the impact of maternal imprisonment on mothers, children and society as a whole.

1. **Mothers should only be sent to prison as a last resort.** Prison sentences for minor offences and short sentences are counterproductive. Tailored, trauma-informed interventions with mothers in the community and greater awareness of and adherence to relevant sentencing guidelines would ensure that fewer mothers are sent to prison
2. **Children affected by maternal imprisonment must be offered specialist support.** It is vital that agencies working with children understand and can recognise the impacts of maternal imprisonment and are able to refer children to bespoke support in their local area
3. **Maternal identity and the impact of separation from children must be recognised, understood and supported** by all agencies working with mothers who have committed a criminal offence.

Summary of recommendations

A renewed focus on reducing maternal imprisonment through community alternatives to custody for women.

- Ensure women in or at risk of contact with the criminal justice system can access the support they need in their local community.
- The government should invest in the implementation of the Female Offender Strategy, including sustainable funding of at least £70 million⁶ per annum for a third sector network of community-based Women's Centres to provide holistic, women-centred services to all women in contact with the criminal justice system.
- Mandatory training for the judiciary on the impact of maternal imprisonment and sentencing guidelines for those with primary caring responsibilities.

The Ministry of Justice and the Department of Education should produce a joint policy framework on maternal imprisonment

- Mandatory requirements addressing the additional emotional and practical needs of all mothers in prison and how prisons will support them.
- Ensure women involved in the criminal justice system who have experienced the removal of a child are offered trauma-informed intensive support.
- The government should roll out of the current social worker pilot being run in two prisons by the Prison Advice and Care Trust (PACT) across the entire female prison estate.
- A Memorandum of Understanding (MOU) should be developed between the DfE and HMPPS setting out key principles on how both services work with mothers and children affected by maternal imprisonment, counteracting the current postcode lottery.

Local strategies to mitigate the impacts of maternal imprisonment on children led by Police and Crime Commissioners

- Regular monitoring of data on mothers given custodial sentences to hold the judiciary to account for adherence to relevant sentencing guidelines.
- LCJBs should agree local strategies to reduce maternal imprisonment and support children affected by maternal imprisonment, supported by delivery plans setting out actions for individual agencies
- In consultation with LCJBs, PCCs should commission specialist support for children impacted by maternal imprisonment, to be offered to any child via referral from agencies. This should include an offer of a mentor.

⁶ Women's Budget Group (2020) *The case for sustainable funding for women's centres*

Introduction

The purpose of this report is to shine a light on the true costs of maternal imprisonment, both in terms of the economic costs to the Exchequer and the wider social harms - experienced primarily by incarcerated mothers and their children. Our approach was inspired by landmark research published by leading academics such as Dr. Shona Minson and Dr. Lucy Baldwin. We aimed to build on their work and add to the evidence base by following the journey of mothers through the criminal justice system in its widest sense, seeking to understand their experiences and interactions at each touchpoint along the way. In doing so, we aimed to identify opportunities for interventions which could reduce the incarceration of mothers and, where this cannot be avoided, mitigate the impacts on their children. This report highlights the need for a multi-agency approach to supporting mums in prison and their children involving not just the criminal justice system but social services, education, housing and the NHS.

Our research involved analysis of available data and depth interviews with statutory and voluntary services, and mothers who have been in prison. We spoke with 13 mothers who have spent time in prison, whose stories and views on what needs to change run through this report. We partnered with the Office of the Police and Crime Commissioner for Hampshire to present an end-to-end view of how agencies and organisations work with mothers in the criminal justice system, speaking to policing, defence solicitors, the NHS, social services, probation, prisons and third sector organisations. Despite submitting an application on April 1st 2021 to the Courts and Tribunals Judiciary to interview judges and magistrates about their experiences sentencing mothers, at the time of publication this had not been approved. We were able to identify one magistrate and one former magistrate who spoke to Crest anonymously.

We worked with Hampshire County Council, Portsmouth City Council and Southampton City Council, all of whom shared anonymised, case level data on children in their care. This data enabled us to better understand the lives of children affected by maternal imprisonment and the interventions they received, in order to quantify the financial cost. We also spoke to charities supporting children with a mother in prison and were granted access to anonymised case studies to give voice to their feelings and experiences.

We received valuable support from a range of organisations and professionals working in the field. A full list is available in Appendix A, but we would like to offer particular thanks to Dr. Lucy Baldwin at De Montfort University, Kelly Gleeson at Prison Reform Trust, Jo Mulcahy at Prison Advice and Care Trust, Melanie Pearce at the Ministry of Justice (formerly Director of Hampshire Community Rehabilitation Company), Julia Newton at Portsmouth City Council, Sarah Beresford at Prison Reform Trust, Jane Smith at One Small Thing, Richard Hadley at Hampshire County Council, Natalie Pearce at Phoenix@Pause Southampton, Jenny McKie and Lou Everatt at the Probation Service, Children Heard and Seen, Dr. Shona Minson at Oxford University and Enzo Riglia at the Office of the Police and Crime Commissioner for Hampshire. Above all, we thank the mothers who shared their stories with us and Leoni for sharing her experience of having a mother in prison as a child.

1. Maternal imprisonment: our research in context

Baroness Corston's landmark 2007 report⁷ highlighted the vulnerabilities women face in the criminal justice system, detailing the daily experiences of female offenders and the high levels of trauma many have experienced. Her report recognised that a large proportion of female offenders are mothers and highlighted the potential negative impacts of their incarceration on their children, calling on the criminal justice system to better take this into account.

Over a decade later in 2018, the government launched the first Female Offender Strategy. This strategy acknowledged that the criminal justice system's current approach to female offenders was not working and emphasised early intervention and community-based solutions as the way to drive down the numbers of women in prison, particularly those on short sentences.

The Farmer Review and beyond

The 2019 Farmer Review for Women, commissioned as part of the Female Offender Strategy, built on the legacy of the Corston review, highlighted the importance of strengthening female offenders' positive family relationships – a 'rehabilitation asset' – and stressed the importance of mothers in prison being able to maintain contact with their children. Lord Farmer's Review also highlighted the lack of official government data on the number of women in prison who are mothers, and the number of children affected by maternal imprisonment, calling for this to be addressed.

In answer to a parliamentary question on this issue tabled in December 2020, the government was still unable to provide a figure on the number of women in prison, stating that this data is 'not captured in a way that can be centrally monitored'.⁸ However, annual reports by Her Majesty's Chief Inspector of Prisons (HMIP) for the years 2014/15 to 2019/20 which include a survey of women in prison asking them whether they have children under the age of 18, show that an average of 56% across the years answered 'Yes'.⁹ Using this average, and ONS data on household structure, an estimated 3,500 children were impacted by maternal imprisonment in March 2020.¹⁰ In 2019, Crest's *Children of Prisoners* report estimated that as many as 17,000 children each year are affected by maternal imprisonment.¹¹

⁷ Baroness Jean Corston (2007), *The Corston Report*

⁸ <https://questions-statements.parliament.uk/written-questions/detail/2020-12-03/HL11076/>

⁹ Her Majesty's Chief Inspector of Prisons, [Annual Reports](#) (2014 - 2020)

¹⁰ Office for National Statistics (2021) 'Criminal Justice System Statistics Quarterly: March 2021'; ONS (2021) 'Families and Households'. The estimate is calculated by assuming 56% of the current female prison population have children under the age of 18. This is compared with other ONS data about families and households on the average number of children per household and combined to create a total estimate for March 2020, chosen since it is the last month included within HMIP's survey.

¹¹ Kincaid, S. et al (2019) *Children of Prisoners: Fixing a Broken System*

Impacts of prison on mothers

The impact of prison on mothers has been well-evidenced, particularly in the work of Baldwin¹² which highlights the long-lasting emotional trauma it causes them and their children. As Baldwin's research emphasises, whilst trauma-informed practices are emerging as the norm across many professions, the traumas under consideration often do not explore the specific needs of mothers, their maternal identity or emotions. As a result, many are not being offered the right support.

Several studies including those by Booth¹³ and Baldwin have shown that women in prison have a strong commitment to sustaining their mothering identity, yet policies and practices within prisons create 'relational, practical and physical challenges' to achieving positive mother-child relationships. These include the expense of phone calls, the cost of travelling long distances for visits (compounded by the fact that women can be transferred between prisons at any time), a lack of privacy, heavy-handed searches, constraints on physical contact during visits, and the limited availability of longer 'family visits'. In England and Wales, release on temporary licence and child resettlement leave are designed to enable mothers in prison to spend extended periods of time with their children to maintain family ties and aid resettlement. However, mothers have reported these processes to be unwieldy and slow, with a lack of clarity around decision-making processes¹⁴.

The impact of COVID-19 has caused significant disruption to contact between mothers and their children, with an imposition of a ban on visitation across the entire prison estate which was only recently lifted. After a time, 'Purple Visits' – visits conducted using online video technology – were introduced, but the availability and frequency of these has been limited by the lack of video conferencing facilities and their overall slow introduction across the female estate.

The UK has ratified the United Nations Rules for the Treatment of Prisoners and Non Custodial Measures for Women Offenders, which state that non-custodial sentences are preferable for women with dependent children and a custodial sentence must only be given if absolutely necessary and only after considering the best interests of the child and ensuring that appropriate provision has been made for them. Clear sentencing guidelines and case law is available for judges and magistrates who are sentencing primary carers which should place custodial sentences firmly as a last resort. The most notable, *R vs. Petherick* (2012), states that 'where the case stands of the cusp of custody, the interference with the family life or one or

¹² Baldwin, L (2021). *Motherhood Challenged; Exploring the Persisting Impact of Maternal Imprisonment on Maternal Identity and Role*. De Montfort University; Baldwin, L. (2020), 'A Life Sentence': *The Long-term Impact of Maternal Imprisonment in Lockwood K* (Ed) *Mothers Inside*. Bingley: Emerald; Baldwin, L. (2019); *Motherhood judged: Social exclusion, Mothers and Prison*. In C.Byvelds &H. Jackson (Eds.), *Motherhood and social exclusion*. Toronto, ON: Demeter Press; Baldwin, L, Epstein R (2017) *Short but not sweet: A study of the impact of short custodial sentences on mothers and their children*. De Montfort University; Baldwin, L (2015). *Mothering justice: Working with mothers in criminal and social justice settings*. Hook: Waterside Press.

¹³ Booth, N. (2020), *Maintaining Family Ties; How Family Practices are Renegotiated to Promote Mother-Child Contact in Mothering From the Inside*; Booth, N. (2018). *Family matters. A critical examination of family visits for imprisoned mothers and their families*. Prison Service Journal, 238, 10–15.

¹⁴ Beresford, S. et al. (2018), *What About Me? The Impact on Children When Mothers are Involved in the Criminal Justice System in Mothering from the Inside*

*more entirely innocent children can sometimes tip the scales and means that a custodial sentence otherwise proportionate may become disproportionate’.*¹⁵

Local authority children’s services and maternal imprisonment

The myriad impacts on children of parental imprisonment have been well documented by Minson¹⁶ and Beresford¹⁷. Beresford’s research highlights that children affected by maternal imprisonment face particular disruption in their lives, feel invisible within systems that should protect them, feel especially stigmatised and face multiple barriers to accessing support. Just 5% of children are able to stay in their family home following a mother going to prison, and a greater proportion are put into foster care compared to those affected by paternal imprisonment.¹⁸ The Human Rights Act 1998 and the United Nations Convention on the Rights of the Child require that the best interests of children with a parent in the criminal justice system are considered at all times. Yet the voice of the child is rarely heard during court proceedings.¹⁹ In March 2021 the Scottish Parliament voted to become the first national legislature to directly incorporate the UNCRC into law.²⁰

Under section 17 of the Children Act 1989, local authorities have a duty to ‘safeguard and promote the welfare of children within their area who are in need’ through the provision of services. Here, a ‘child in need’ is defined as ‘unlikely to maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development’ without the provision of services; health or development significantly, or further, impaired without the provision of services; or disabled.²¹ Whilst children with a primary carer in prison could fall under this definition, there is no statutory obligation on local authorities to routinely investigate their welfare.

The Department of Education’s ‘Working Together’ statutory guidance sets out the requirements for agencies and organisations to assess and provide services for ‘children in need’, but it does not include children of prisoners among the list of possible beneficiaries of ‘early help’.²² Speaking on this issue, then Parliamentary Under Secretary of State for Children and Families, Nadhim Zahawi MP argued that “*automatic assessment by children’s social care for all children of prisoners*” was not the right way forward, as needs would vary and routine assessment would be disruptive and stigmatising for children.²³ However, the Joint Committee on Human Rights has maintained that children of prisoners must be regarded as ‘children in need’ to avoid vulnerable young people being left with no support.²⁴

¹⁵ Retrieved from <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1610/report-files/161007.htm>

¹⁶ Minson, S (2020) *Maternal Imprisonment and the Rights of the Child*. Palgrave MacMillan

¹⁷ Beresford, S. et al. (2018) *What About Me? The Impact on Children When Mothers are Involved in the Criminal Justice System*. Prison Reform Trust

¹⁸ Prison Reform Trust (2017) *Why focus on reducing women’s imprisonment?*; see also, Baroness Jean Corston (2007), *The Corston Report*

¹⁹ Beresford, S. et al. (2018) *What About Me?*. Prison Reform Trust *The Impact on Children When Mothers are Involved in the Criminal Justice System* Prison Reform Trust

²⁰ Retrieved from <https://www.gov.scot/policies/human-rights/childrens-rights/>

²¹ The Children Act (1989) Section 17

²² Department for Education (2015) *Working together to safeguard children*

²³ Joint Committee on Human Rights (2019) *The right to family life: children whose mothers are in prison*

²⁴ Ibid.

Contradictions between policy and practice

In 2019 a new sentencing guideline became effective which included an expanded explanation for the mitigating factor 'sole or primary carer for dependent relatives', and guidance structured around four key questions, including whether it is unavoidable that a custodial sentence be imposed. The guidance directs sentencers to follow the principle outlined in *R vs. Petherick* including 'sole or primary carer for dependent relatives' in the list of 'factors reducing seriousness or reflecting personal mitigation'.

In interviews with Crown Court judges by Minson²⁵ which asked participants to identify personal mitigation which influenced them in sentencing decisions, 50% did not mention the factor 'sole or primary carer for dependent relatives' or make any mention of family or dependents when answering the question. When asked to rate this factor on a scale of 1-10 (the higher the number the more weight it was likely to carry in a sentencing decision), it received the second lowest cumulative score across the ten factors on the list, and was the only factor which scored both a 1 and a 10, which Minson believes indicates the extreme variability of judicial consideration of dependents in sentencing, and the generally low importance attached to it.²⁶

Pre-Sentence Reports (PSRs) should play an important role in ensuring that information about the defendant's personal circumstances, including caregiving responsibilities, are taken into account during sentencing decisions - as established by case law (*R v Bishop*). It is the court's duty to ensure the judge has all relevant information about dependent children as a legal requirement. However, the Joint Committee on Human Rights has expressed concern that judges are not getting the information that they need to sentence appropriately.²⁷ Research carried out by the Centre for Justice Innovation in 2018 into the use of PSRs found that there has been a 22% decrease in the number of new PSRs produced, meaning an increase in the number of sentences passed (both community sentences and custody) where no new PSR has informed sentencing. Because cases with PSRs are more than ten times more likely to receive a community sentence, the falling number of PSRs is strongly linked to the decline in community sentences, which will have a significant impact on women and mothers.²⁸

There is significant evidence of the negative impacts on children if their mother receives a custodial sentence. The Female Offender Strategy states that the imprisonment of women, particularly for short sentences, and for those who have committed non-violent crimes, should be avoided in favour of community alternatives. Yet 72% of women who entered prison under sentence in 2020 had committed a non-violent offence and 70% of custodial sentences given to women were for less than 12 months.²⁹

²⁵ Minson, S (2017) *Who cares? Analysing the place of children in maternal sentencing decisions in England and Wales*

²⁶ Retrieved from Shonaminson.com, October 1st 2019

<https://shonaminson.com/2019/10/01/new-sentencing-guideline-in-force-from-1st-october-2019/>

²⁷ Joint Committee on Human Rights (2019) *The right to family life: children whose mothers are in prison*

²⁸ Centre for Justice Innovation (2018) *'The changing use of pre-sentence reports'*

²⁹ Prison Reform Trust (2021) *Why focus on reducing women's imprisonment?*

The Police, Crime and Sentencing Bill - a platform for change?

In January 2021, the Government published a National Concordat³⁰ on women in or at risk of contact with the criminal justice system - a cross-government commitment to work in partnership to deliver the Female Offender Strategy. Yet the same day, the Government announced £150 million funding to deliver 500 new prison spaces for women, against an additional £2 million to support community services working with vulnerable women³¹ - a move which has been criticised by many working in the field as running counter to the objectives of the Female Offender Strategy.

In 2021, campaigners and MPs worked together to table amendments to the Police, Crime, Sentencing and Courts Bill which would make a PSR a requirement when passing a sentence against a primary carer, creating an obligation on judges to state how they have considered consequences for children in their sentencing remarks, and to make the welfare of children a distinct consideration in sentencing and bail decisions. However, the government's response to date is that these amendments are not necessary.³²

A report published by the Prison and Probation Ombudsman in September 2021 highlighted a series of failings in the care of Ms. A, an 18 year-old resident at HMP Bronzefield who lost her baby after being left to give birth alone in her cell. This has led to calls from campaigners for a ban on sending pregnant women to prison³³. The Ministry of Justice has developed a new policy framework on Pregnancy, Mother and Baby Units and Maternal Separation which aims to improve how prisons support this cohort of women going forward.³⁴

³⁰ Ministry of Justice (2021) *Concordat on women in or at risk of contact with the criminal justice system*

³¹ Retrieved from:

<https://www.womeninprison.org.uk/news/joint-letter-to-the-justice-secretary-on-the-planned-500-prison-places-for-women>

³² <https://publications.parliament.uk/pa/jt5802/jtselect/jtrights/585/58502.htm>

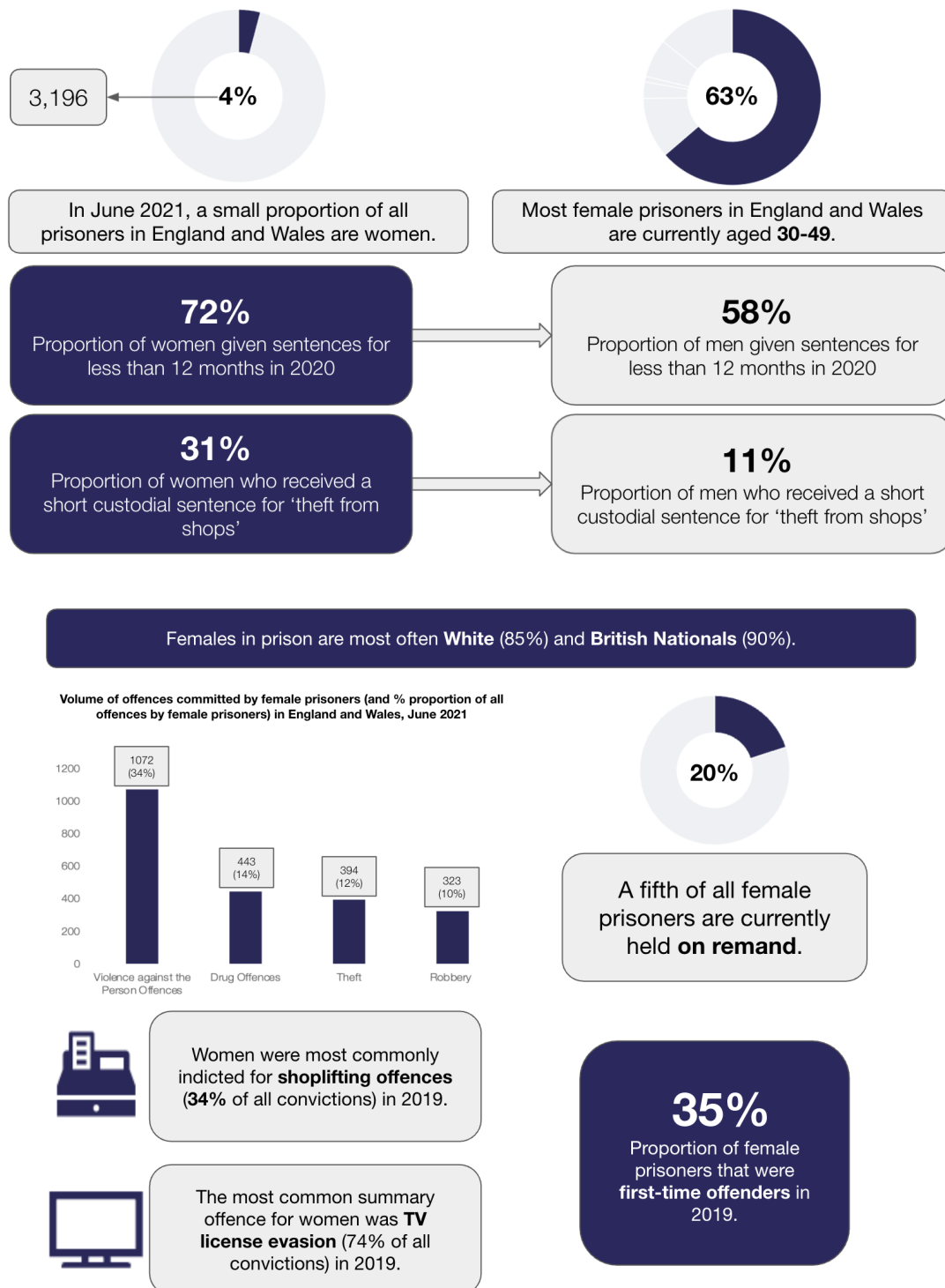
³³ Retrieved from:

<https://www.womeninprison.org.uk/news/stop-sending-pregnant-women-to-prison-say-mothers-midwives-and-campaigners>

³⁴ Ministry of Justice (2021) *Pregnancy, MBUs and maternal separation in women's prisons Policy Framework*

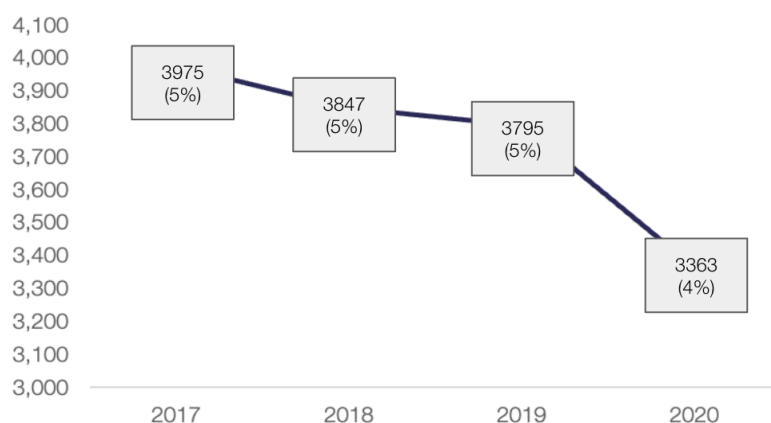
Women and the Female Prison Estate

Fig. 1. Infographic on Women and the Female Prison Estate³⁵



³⁵ Ministry of Justice (2019) 'Statistics on Women in the Criminal Justice System 2019' https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938360/statistics-on-women-and-the-criminal-justice-system-2019.pdf. Ministry of Justice (2021) 'Offender Management statistics quarterly: January to March 2021' <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2021>.

Average number (and % proportion) of female prisoners in England and Wales, 2017 - 2020



Female prisoners received **shorter** custodial, community and suspended sentence orders than males in 2019.



900 mobile handsets were provided to female prisoners without in-cell phones during lockdown. All closed female prisons now have in-cell phones.

36

³⁶ The MoJ has stated that in-cell telephony in the two open prisons (HMP Askham Grange and HMP East Sutton Park) is being looked at as part of longer-term telephony plans.

2. The impact of prison on mothers

Research shows that women in prison have already experienced significant trauma in their lives, with some estimates suggesting that as many as four in five have survived domestic or sexual abuse.³⁷ Separation from children adds another layer of trauma. Crest's interviews with mothers laid bare the mental and emotional toll this separation had taken, the effects of which were still with them long after release and in one case decades later. For many, the initial trauma of separation, particularly where a custodial sentence had not been expected, was compounded by the challenges and uncertainty they faced in maintaining contact with children whilst serving their sentence.

2.1 Separation from children is a specific trauma which is not sufficiently recognised or understood by the prison system

"You can't cope in prison by being emotional, it's not a place that tolerates emotional behaviour". Clare, Mum

Family Engagement Workers in prison used words such as 'distress', 'despair' and 'powerlessness' to describe the emotional state of mothers they encountered, feelings they said were particularly acute if prison was the first time that a mother and her children had been separated for a significant length of time.

Each of the mothers interviewed found their own way to cope. For some this meant shutting off thoughts of their children as much as possible, keeping pictures stored away or choosing not to have visits because it was too emotionally difficult for them. Some even chose to pretend to their children that they were away somewhere, working or travelling. Often, it was only once they had made friends they trusted – often other mothers – that they would talk about their children. Even then, it was rare that they would share the deeper pain they were experiencing.

"You've got to put it in a box and try not to open that box too much, because you won't cope, you'll start self-harming or want to kill yourself or start taking drugs." Clare, Mum

"I called the youngest up once and she started asking 'Where are you? Why have you gone? And I literally just broke down and cried. And then I kind of tried to avoid talking to her – it was just a stab in the heart every time I spoke to her. And I didn't want anyone to come and see me.'" Roshni, Mum

"The children are screaming having Dad drag them off of Mum, because it's the end of visits. You get lots of tears and mum's absolutely sobbing her heart out because as much as it's an amazing experience to see her children again, it's just as heart-breaking and it feels like losing them all over again when they go. You can see the emotional

³⁷ Prison Reform Trust (2017) *There's a reason we're in trouble*

torment – having to do that is a big strain on them and we do find a lot that some women don't want to have any form of video (call) or any kind of visit because they're so fearful of those feelings and emotions.” Prison Offender Manager, HMP Send

“I struggled with my mental health in there, I think out of guilt. I felt so guilty. And I started self-harming when I was in there, just because I felt that I had no control. But the one thing I had control over was to do that. That was my way of having some control over something in my life.” Sarah, Mum

Self-harm was the only way some mothers felt they could exert control over their situation, with visits, birthdays and Christmas acting as particular triggers. Mothers said they would often quietly support each other during these times, giving each other space and understanding.

“Some of them still got to see [their children] every weekend, and a lot of them didn't. So it was always a bit of a touchy subject, really. Because, especially for people that haven't got their kids and they've been taken off of them, it's their birthday, or it's the day that they've got taken off of them, or it's the day they last saw them and they haven't seen them for six years.” Liz, Mum

Distress caused by separation can be labelled as aggression, counting against mothers in processes and procedures related to contact with their children

On top of the mental and emotional distress mothers experienced, they faced the additional challenge of needing to remain composed or risk jeopardising chances of contact with their children. If emotions and frustrations boiled over, and they lashed out at professionals, other residents, or prison property, this would go on their record and count against them in getting visits or being granted release on temporary licence (ROTL), as well as potentially being used in child protection meetings or care proceedings.

“One of the things I find quite difficult in terms of the emotional response is that their feelings are completely valid, [but] the way that they respond to these situations is often used against them. They have the extra pressure of having to moderate that behaviour because they're going to be judged for it. So, it could be a social worker or family and they'll say 'all she does is scream and shout', and I'll say 'Yeah, but she's really frustrated.' It's [about] trying to get everyone to understand each other. Because it's all written down on paper 'this is how mum acts' and then everyone tells each other, and it can become quite insidious.” Family Engagement Worker

“Some of the women will self-harm and they will cry, and they don't want to talk to anybody. And some of the women can be quite aggressive and quite hostile, or their behaviour can be interpreted in that way.” Family Engagement Worker

Mothers were acutely aware that their margin of error was incredibly small, and that it was only if they didn't 'put a foot wrong' that they would be successful in gaining full entitlements and privileges regarding their children. There was a clear sense that visits with children or the prospect of being granted ROTL were used as a way to control their behaviour in a way not replicated in the male estate, and that the ability of prison staff to remove privileges around visits or lower risk assessments required for ROTL meant they held a particular power over mothers.

"It's easier to control females with the fear of 'if you do this, we'll take your visits away from you'. For men, I know it's important that they see families but it's more partners they want to see. For females it's a different ball game, because most females, you want to see your children, that's literally your week by week, and what you're relying on getting you through it. That's definitely used as a power card against you. If you're not going to comply with this, you're not going on the Family Day." Jessica, Mum

"Family Days and stuff like that were never given out fairly. It was always the same people that got them and it was the officers' favourites. They asked everyone to apply, but you'd know who was getting on and who wasn't. It will always be the same group of people." Carly, Mum

"They call visits a privilege, so if the girls had done something wrong, that'd be the first thing they'd take from them" Anna, Mum

Uniformed staff face challenges identifying and supporting mothers

Family Engagement Workers reported that they spent considerable time trying to help mothers manage their emotional responses and understand what the consequences could be if they were unable to do so. Meanwhile, those who had worked as uniformed staff on the prison wing spoke of the difficulty in trying to balance empathy with mothers with the need to show consistency around rules on behaviour. This undermined their ability to develop and maintain relationships with them which could be beneficial in helping mothers to cope.

"We'll build a relationship up with a prisoner because that's the right thing to do and we need to be able to have them talk to us and feel confident enough that they can confide in us and come to us if they're struggling. But when it comes to discipline, if you have consistency then you have to treat everyone the same. So if you know someone is having a bad day, let's say they were rude to you or if it's a child's birthday, something triggers them, and then they're publicly rude or aggressive towards you, you understand why but you'd have to discipline them and they get upset because they've opened up to you and shared their vulnerable side and then you've disciplined them and then they close off. It's really, really difficult to find that happy medium." - Prison Offender Manager, HMP Send

"My prison officer knew that I had animals at home that I was missing desperately. And I had a Doberman, and she also had a Doberman. And one day she came bursting into

the room andshe took me down to the car park and she opened the boot of her car and her Doberman jumped out and she said 'He's yours for the day, you're gonna look after him for the day.' And just little things like that, just for that day, helped me massively." Sarah, Mum

Building individual relationships can be the only way prison officers on the wing would be aware of a resident's maternal status since NOMIS, the prison information system, currently has no systematic screening for mothers, although information on children may be added in text form where known. The introduction of key workers in prisons as part of the HMPPS Offender Management in Custody (OMiC) model was cited as a positive development by Family Engagement Workers which could help uniformed staff better identify and support mothers, though this has only recently been implemented across the female estate having first been rolled out in - and designed for - men's prisons. Under OMiC, key workers are assigned six prisoners and allocated 45 minutes a week to meet with them individually, get to know them and gain an understanding of their risk and protective factors – with a particular emphasis on family and relationships. Introduced in response to rising levels of self-harm and suicide, the aim of key workers is to help prisoners settle into prison life and to ultimately better ensure their safety.

"Some key workers have been really good and are coming and talking to myself and other workers and reading NOMIS about what's going on. They'll come and talk to us just to find out where we're at with a particular woman and their children." Family Engagement Worker

OMiC has also moved the majority of the work with individuals in prison in-house to Prison Offender Managers, rather than those working in the community who may be located miles away and have limited opportunities to get to know offenders during their sentence.

"You've got somebody that might be 200 miles away from their particular allocated offender, and they don't really know that person, and they're making decisions about their life when actually, they're not aware of the dynamics. And because traditionally community caseloads are a lot higher than those in prisons, I think it's more beneficial for the residents to be working consistently with one person during that core foundation of their sentence, than working with an external agency that actually doesn't know a lot about them." Prison Offender Manager, HMP East Sutton Park

Whilst Family Engagement Workers remained best placed to provide close, individual support with maintaining or rebuilding relationships with children, particularly given their links with external agencies, it was felt that Prison Offender Managers could take more responsibility for being proactive in making the external connections that will help support an individual's rehabilitation.

"Having PACT (Family Engagement Workers) in the prison is a really good source of support for the women. And they help us as well as they do the women, helping us to

manage them. We don't know what we're doing to an extent when it comes to external services and what we can and can't do" Prison Offender Manager, HMP Send

"It's about getting in contact with those external stakeholders, finding out what their role is and where you fit into that." Prison Offender Manager, HMP East Sutton Park

The academic Dr. Lucy Baldwin is currently working with Sodexo to deliver specific training for prison staff working with mothers at HMP Bronzefield and HMP Peterborough, alongside interventions for mothers and policy and practice guidance for working with imprisoned mothers.

2.2 Maternal rights are undermined by a poor relationship with social services

"Everything in prison, especially when it comes to children, you have to fight for it."
Jessica, Mum

Often mothers don't understand their parental rights

"That happens a lot in prisons, you don't get told what your rights are." Liz, Mum

It was often some time into their sentence before some mothers came to understand their rights around seeing or having contact with their children, which in some cases had resulted in little or no contact in the early months or, for those on longer sentences, years. This understanding was often gradually developed through conversations with other residents, or observations of the level of contact and visitation they were having, which spurred mothers to look deeper into their own situation. None reported receiving any support or advice from the prison, although those that had contact with Family Engagement Workers reported the positive difference this had made.

"Other [women] let you know you have rights as a mum, like, you know, that you can get social services to bring them up. Seeing other women going on visits for their children and stuff like that made me look into it and think 'Hold on a minute.'" Carly, Mum

"For the first couple of sentences there was no support at all. I think it was the third sentence where I started to look into things and find out more about what my rights are, speaking to women in prison, and I started to look into things. I suppose I found out my rights and I made sure they started bringing [my daughter] up to see me. I think if I'd known that I had parental responsibility....I didn't have a clue that I could make all these decisions about school, about leaving the country, about healthcare needs. Nobody ever explained to me, it was only the last few years I found out that I had any say in it."
Carly, Mum

"I actually know now, from my work, that [the prison stopping visits from her children] should never have happened. That legally they totally overstepped the mark." Clare, Mum

Mothers faced different challenges depending on who was caring for their children during their sentence. Those with children in local authority care faced significant issues communicating with and receiving updates from social workers, and attending or having the knowledge or confidence to engage in meetings about their child's care. For those whose children were with family members who were blocking or restricting contact, there was no avenue of redress available. Where relationships were damaged, this meant the loss of another source of emotional support.

A lack of consistency from social workers creates a postcode lottery regarding visitation and contact with children

"She turned around and said 'Oh, just to let you know my manager said your children will be adopted'". Amira, Mum

A recurrent theme in Lord Farmer's review was the lack of a consistent approach from social workers to help mothers in prison strengthen and maintain family ties. Lord Farmer reported a *'prevailing sense that social workers are sometimes sympathetic and sometimes apathetic towards facilitating contact between children and imprisoned mothers'*. This was a clear theme among many of the mothers interviewed by Crest, who spoke of difficult relationships with social workers involved in the care of their children, rooted in a strong distrust. Often, they felt they had been labelled 'bad mothers', either because they were in prison or because of prior involvement with social services, viewing social workers as blockers to contact with their children. Some mothers reported insensitive and unprofessional comments made to them by social workers about their children being put up for foster care or adoption, when no such decisions had yet been made.

Family Engagement Workers felt there was a lack of consistency in local authority policy and practice regarding children visiting prisons which created a postcode lottery for mothers, with some local authorities reported to have blanket bans in place on prison visits. In other local authorities, Family Engagement Workers felt it was down to the individual social worker as to whether to support visitation, with decisions influenced by value judgements made about the mother rather than what was in the child's best interests. Some suggested that the reluctance of social workers to bring children for visits stemmed from a lack of understanding of the prison environment and recent steps taken by prisons to make visits more child-friendly, noting that for many social workers working with a child who has a mother in prison is a rare occurrence and something they may not have much experience with. There is currently no national guidance for social workers regarding contact between children and a parent in prison.

Distance to prisons was also reported as a barrier to social workers bringing children up for visits. Because there are only 12 females prisons covering England and Wales³⁸, mothers are far less likely than fathers to be placed close to home, with one in five women in England and Wales held more than 100 miles from where they live.³⁹

"They [social services] would just say [bringing children to visit in prison] is not appropriate. And you're just told in the beginning 'they're not coming to you'." Anna, Mum

"This social worker said 'The girls will stay in foster care but [your son] is three. Now, we wouldn't usually put them up for adoption but he's so cute, we think we might get him adopted'". Anna, Mum

"I think once mum comes to prison, [social services] use it as the perfect opportunity and excuse to stop all communication and contact." Family Engagement Worker

"Some local authorities will refuse to visit prisons because they say it's too traumatic [for the child]. And you have to fight really hard to explain how you can do, like, a private visit, and we can make it less traumatic for the child." Family Engagement Worker

"I worked with social services teams to do an overview of what [the prison] was about. I showed photographs and we also even opened it up so that they could come for visits, and we had two groups come round – these were the newly qualified social workers – just to show them what a prison looked like, because we had had huge issues where none of them would come in." Family Engagement Worker

"It's just a minefield for the ladies...they don't get updates, they don't get minutes from meetings, social workers don't come and visit, they don't send photographs, they're a massive block to information sharing, to visits, to contact." Family Engagement Worker

"We've got a lady who was fighting and fighting for contact with her teenage daughter – I mean don't get me wrong it was a horrific offence – and previous social workers were like 'no, no, no'. The daughter all the way along, wanted contact. We had a change in social worker who actually listened to the wishes of the child who could very much articulate what she wanted, and within a month visits happened. We'd been fighting five years for visits." Family Engagement Worker

"[Contact] always divides professionals, because I know when it's been babies, if a mum wants to see a baby in prison, there's always a big debate about 'whose best interests is this in?', 'it's not in the best interests of the baby to have to go through a search'.

³⁸ See Appendix E for map of female prison estate

³⁹ Cabinet Office Social Exclusion Task Force (2009) *Short study on women offenders*

However, I just think for that baby, as they get older, whatever happens to them, it's important to know that they did see their mum and were able to." Social Worker, Portsmouth City Council

Mothers face practical barriers engaging in meetings and proceedings related to their children's care

Mothers also experienced challenges engaging in court proceedings or local authority meetings about their children from prison. These sometimes began with simply not understanding the letters they received from the local authority, which was a particular issue for women who did not have English as a first language.

"There was nobody in prison to help you with these things [court proceedings]. That's the worst part – not really having any support or anybody that knows what happens in the Family Court. Just knowing what to expect, knowing what Family Court is all about." Amy, Mum.

"Many of the women can't even speak English and basically, the children are adopted, they're adopted because they didn't understand that letter.....One lady, she was a stepmother, she was a foreign national. She had only been in the country for a few months and she ended up in prison and her husband didn't want [the children] so they were put into a care home. And she was getting all these letters and I said 'Do you know your children are not with their father, they are with the social services' and I explained what the social services did. And eventually we managed to write to social services and get the children to come in and see her." Amira, Mum

Family Engagement Workers reported local authority meetings being regularly scheduled at short notice, giving them little time to arrange for video-conference facilities from the prison and be available to prepare or support mum with the meeting. This resulted in some mothers being unable to attend key meetings about their child, or having to dial in, putting them at an immediate disadvantage in a conversation that professionals were having face-to-face. There was a sense that a limited effort was made to reach mothers in prison to inform them of upcoming meetings, and that if they were unable to attend this was taken as disinterest or refusal to engage.

"They'll [local authority] quite often refuse to believe we don't have Zoom. So, we'll quite often dial in and if we don't have the facilities to do that we'll do it on speaker phone. If not, they will go ahead without us and I don't know how many times I've heard that they haven't been able to get hold of mum and you know, you just think, we know exactly where mum is, she's here 24 hours a day, seven days a week – you haven't contacted me about this. My absolute pet hate is that on LAC (Looked After Children meeting) minutes they'll say 'No contribution from mum' whereas I'll ask for 'No contribution ASKED for by mum'." Family Engagement Worker

"If they rang the prison and asked for either someone in family services or OMU (Offender Management Unit) they would be put through, and that would work in every prison. It isn't right that they've said they've been unable to speak to her." Family Engagement Worker

"They tried to set [the court proceedings] up by video-link but the link went down quite frequently. You're relying on video links all the time and nine times out of 10 they'd crash. I had a meeting with social services that was supposed to have a video link: that crashed. So the social worker basically was like, right, we haven't been able to have the meeting and the mother hasn't been able to have the input and we feel that what's best for the child is for her to go to her paternal grandparents. The times I could get to the phone, the social worker would never answer. The family liaison officer at East Sutton Park was brilliant. She tried everything she could to help out." Sarah, Mum

"Actually, there could be issues with the placement that [the children] are in, in terms of care, it could be that there's problems going on on the outside that are out of their control. And just trying to get hold of social workers externally because of lack of staffing to be able to make those calls or the PIN number being cleared." Prison Offender Manager, HMP East Sutton Park

However, social workers reported that getting hold of prison staff could be difficult.

"We've got this lady who's been recalled and we can't even find out who her offender manager is because the phone rings at the prison and no one picks it up. And when [they] do pick up, you say you just want to know who the offender manager is or who the key worker is for this prisoner in your prison, and they're like ok, we'll take your message, we'll get back to you' and they won't get back to you". Pause Practitioner, Southampton

Family Engagement Workers suggested that a lack of awareness of the prison regime created an assumption that mothers would be able to attend meetings whatever the time of day when in reality not all prisons would accommodate meetings during lunch or when mothers were at work. Some prisons let mothers out on release to attend Family Court for care proceedings, but this can involve a prison move which means their cell may not be available when they get back. One Prison Offender Manager described how a recent meeting with a local authority was scheduled for a few days after a mother had been transferred from the remand prison, despite the mother needing to self-isolate for 10 days on arrival and therefore obviously being unable to attend. Although this was rectified, it suggests mothers' attendance at meetings about the care of their children is not being prioritised, and decisions are being made without mothers having the opportunity to input as best they can.

Where relationships with family or ex-partners looking after children are strained, contact with children may be limited

"Mum had all the ammunition, and she made it really hard". Carly, Mum

Some mothers had experienced family members using their sentence as an opportunity to gain custody of their children. One described how her own mother took legal action whilst she was in prison to gain custody of her daughter after the girl's stepfather was struggling to look after her. Another described how her ex-partner initiated custody proceedings whilst she was in prison, using her offence as evidence against her. A mother of two boys and two girls saw the boys were taken to live with her in-laws whilst the two girls were put into local authority care. Four years after her release she was able to regain custody of her daughters, but has barely seen her sons. In all of these cases, the family members prevented or tried to limit contact between mother and child during the prison sentence.

"I think where it sometimes becomes even more tricky is if a family member is stopping contact with that child. So, if it's a private agreement, particularly if it's an ex-partner, that can become horrific, but also if it's with a mum, with the maternal grandmother, those relationships are also impacted - so they're not only not seeing their child, but they fall out with family members." Family Engagement Worker

"My mum said my little girl who was really young said 'it's not appropriate to take children to prison.' That hadn't come from her. Somebody [else] had said those words." Anna, Mum

"[My in-laws] wouldn't pick up the phone, they wouldn't pick up messages. Then they phoned up and said they've got nothing to do with me because it's not under the social services. [They said my son] didn't want to see me anymore." Amira, Mum

SOCIAL WORKER PILOT, PRISON ADVICE AND CARE TRUST (PACT)

In his 2019 review, Lord Farmer recommended on-site social workers in prisons to 'provide a vital link with community social workers who have female prisoners' children on their caseload'. In 2020 the Prison Advice and Care Trust (PACT) secured charitable funding from the Sylvia Adams Trust to employ two social workers to work across HMP Eastwood Park in Gloucester and HMP Send in Surrey until December 2023. The project aims to improve outcomes for children, through ensuring that mothers are more involved and empowered in cases that involve their children, utilising specialist social worker roles to engage with community social work processes for more joined-up working and better family relationships. It also seeks to improve practice in prisons and through community Children's Services teams by creating practitioner guidance, best practice toolkits, training and awareness raising.

The social workers' caseloads are more focused than those of Family Engagement Workers and complement existing work by allowing for more intensive support so that they can spend time coaching and empowering women to engage in matters involving their child, speak for themselves at court, and understand the processes and how to work with them. The social workers can also act as McKenzie Friends and provide relationship or parenting education on a supportive one-to-one or small group basis to improve a mother's chances of maintaining contact with her child, or regaining custody.

2.3 Maintaining maternal identity helped keep mothers going, but practical barriers undermine their ability to maintain contact with children

"I maintained being the best mum I possibly could in prison. It was hard, really hard, but I made sure I phoned them every morning, phoned them every night, told them how much I loved them." Rachel, Mum

Despite the mental and emotional distress of being separated from children, for many mothers maintaining their maternal identity and maternal role was what kept them going. This meant spending nearly all of their weekly allowance on daily or even twice-daily phone calls, writing letters and sending money to ensure that their children heard from them as regularly as possible and that their needs were being met.

"Every month I would phone the school and they would send me updates, tell me what he was doing, what he was learning, what books to read." Amy, Mum

"I used to get £10 a week and put £9 on the phone to speak to the kids. That would be gone by Thursday." Clare, Mum.

"My Dad used to send £25 a week, which I'd save up and then send £100 so [my son] could buy shopping and food. What money I got from my Dad as well as my [prison] job [I'd send]." Liz, Mum

"I used to make a big pack for them collecting all the things like, you know, photocopying cartoons and colouring pencils and bracelets that I'd made. I used to get them ready every month when they used to go home." Amira, Mum

However, mums also spoke of many practical barriers in the female prison estate to maintaining relationships with their children which they felt were unnecessary and ultimately damaging. Phone calls remain expensive, and until this year not all prisons had access to in-cell phones, which could mean as few as four shared phones for 100 women. Mothers often want to call children around the same times in the day - before and after school or early evening - which can create congestion and mean some will not be able to make a promised phone call. Some mothers reported that security protocols on normal visiting days - which prevent touching or hugging apart from at the beginning or the end, or getting up to move around the room - made visits unnecessarily traumatic for both them and their children.

Family Days provide an opportunity for a longer visit of several hours, and are more child-focused, with special games and activities and relaxed restrictions on visitors such as the ability to bring food. Most mothers spoke positively of these, although were frustrated that spaces available were limited. During the COVID-19 pandemic, some prisons introduced 'Purple Visits' which took place online as a result of the blanket ban on face-to-face visits. However, due to lack of technological equipment, these were also scarce and a limit of one adult and three children means some children in larger families are left out.

"My daughter was really struggling so my partner brought her to visit me. You're not allowed to touch anybody, I wasn't allowed to hug her, and that's what she needed. She needed to hug her mum and she wasn't allowed. She had to sit on a seat opposite me and I wasn't even allowed to hold her hand." Sarah, Mum

"We had family days, we had bouncy castles inside and everything. And they loved it. They loved all of that." Amira, Mum

Mothers felt great frustration around the process of applying for day or weekend release to see children. Unlike other types of release on temporary leave (ROTL), applications for Child Resettlement Leave can be made as soon as sentences begin, yet mothers told of a struggle to get applications approved in a lengthy process which they felt lacked transparency. One of the factors considered when processing ROTL applications is the risk assessment of the prisoner. Some mothers felt their initial risk assessment was wrong, but that it was impossible to get it lowered, despite good behaviour. The approval process involves a number of external agencies, including police and social services.

"It just seemed to continue. The next woman who did my OASys report went off the back of the last one that said I was passive aggressive. All she did was basically copy and paste everything from the last OASys and added a few notes to it. Then I'd have this conflict over it with [Prison Offender Manager] who said I'd never get ROTLs. Luckily for me, the probation worker outside started questioning them 'why [have] you not lowered her risk, why is she not being put forward and getting her onto ROTLs?'" Jessica, Mum

"I [applied] right at the beginning. Several months later, nothing was moving. It was the desperation....I'm entitled to this. Yes, I've done wrong but my children need me. I wasn't high risk at all, I was low risk." Rachel, Mum

"Obviously as soon as they come into custody, they have this set expectation that they will be going out on ROTLs next week, and trying to bring them back to actually, we have to go through these risk assessments and we're relying on external agencies for a lot of information to found our risk assessment [on]. And sometimes it can be quite frustrating for the residents that actually things aren't happening as quickly as they expected." Prison Offender Manager, HMP East Sutton Park

Transfers between prisons – which can happen with little or no notice in order to meet the space requirements of the female estate - can also have a huge impact on mothers if the new prison is further away, making visits more difficult and meaning more travel involved for ROTLs that can eat into precious time with children. Planned transfers, such as to enable a mother to complete a specific course as part of their sentence plan which is unavailable at their current prison, should be done only after consultation with residents. Either way, Family Engagement Workers felt that the impact on mothers of a transfer – particularly regarding contact with children – was still not properly considered. The uncertainty for mothers as to where they would be and for how long was a considerable source of anxiety.

"You can bet your bottom dollar you've spent six months trying to get contact and you know that visits are going to happen about two days after they've transferred out and that breaks it all down. It means family can't visit and it can have a huge impact." Family Engagement Worker

"You've got to explain not only to family but also to social workers that sometimes [it's] not because the woman has done anything wrong, it's just a prison move but they'll immediately think it's, you know, that they've done something wrong and you'll say 'it's not, it's luck of the draw I'm afraid.'" Family Engagement Worker

Mothers also reported a considerable difference between open and closed prisons in terms of the facilities, rules around visitation, and support from staff to maintain family ties. Professionals felt that traditionally higher case loads and higher staff to prisoner ratios in closed prisons meant that staff were less able to support mothers with maintaining ties with their children, which often

requires putting in the time to build relationships with outside agencies in order to get better outcomes.

“Obviously in a closed environment the access to ROTLs is much more limited, and the resources in terms of supporting family engagement, is more geared up in the open.”

Prison Offender Manager, HMP East Sutton Park

Currently, ten of the twelve women's prisons in the UK are closed, although there have been recent moves to create more open areas within the closed estate. As Baldwin has highlighted, the lack of spaces in open prisons means that, unlike in the male estate, women are not always placed according to their risk level⁴⁰. Having their risk-level reassessed in order to be transferred to an open prison was front of mind for many mothers whilst held either in remand prisons or closed prisons.

“Why do they have the power to move so quickly in open, compared to closed? I was shocked when I went to [open] how quickly the officers move, and they would move heaven and earth.” Rachel, Mum

“It was so, so different [in open prison]. I worked on the farm there and my daughter used to come up every weekend. And I started going home [on ROTLS] after I got there.” Fiona, Mum

“When she came to visit [in the open prison] it was much more free, and I could sit and hug her on the sofa. But because of where it was, I only got to see her twice in the eight months I was there...Going to [open prison] saved me, it really did. If I'd stayed in [closed prison], I don't think I'd of made it through.” Sarah, Mum

2.4 New prison policy is recognising the trauma of maternal imprisonment, but only where children are under the age of two

Following the death of a baby at HMP Bronzefield in September 2019, the Ministry of Justice has put much focus into improving conditions for women who are pregnant and mothers with children under the age of two, culminating in the recent publication of a new policy framework⁴¹. This places a number of new requirements on prisons including:

- Improved data collection on pregnant women and mothers with children under the age of two
- Recruitment of 13 Pregnancy and Mother and Baby Liaison Officers across the female estate
- A more inclusive and transparent application process for Mother and Baby Units, and clearer guidance on emergency placement decisions

⁴⁰ Baldwin, L (2021) *Motherhood Challenged; Exploring the Persisting Impact of Maternal Imprisonment on Maternal Identity and Role*. De Montfort University

⁴¹ Ministry of Justice (2021) *Pregnancy, MBUs and maternal separation in women's prisons Policy Framework*

- Provision of timely information on support systems available to them, including freephone services
- Support for women to make calls relating to childcare arrangements on reception or once identified as needed, regardless of having phone credit

The framework specifically recognises ‘the wide-ranging trauma of separation from children’, but only during the first two years of life. For mothers beyond this age, policy related to children sits with a gender-neutral ‘Strengthening Family Ties Policy Framework’⁴² despite wide-spread recognition in Farmer, Corston and elsewhere that women and mothers have specific needs. Many of the requirements in the new policy framework, such as those listed above, would benefit mothers and their children regardless of the child’s age.

LIFE ON A MOTHER AND BABY UNIT – JESSICA’S STORY

Jessica was twelve weeks pregnant when she was convicted of conspiracy to commit GBH under the joint enterprise rule for a crime committed by her partner. She successfully applied to the Mother and Baby Unit at her sentencing prison and was moved there five months later. She remembers the worry she felt over whether her application would be successful after seeing a fellow prisoner’s application refused and her baby taken away.

Once her application was approved, Jessica’s parents were able to send in a buggy, sterilisers, nappies and clothing for her, and when her baby was due she was taken to hospital for an elective c-section. Handcuffs were removed on arrival at the hospital and the doctor did not allow the prison staff into the delivery room which allowed Jessica to have a “nice, private moment” that “felt normal”. After the delivery she was given a private room where her mum was able to stay with her for the night whilst prison officers remained outside. When it was time to return to the prison Jessica described it as starting her sentence again. She was able to stay with her baby for 21 months before the decision was made to take her out to live with Jessica’s parents rather than let her stay the full 24 months, something which Jessica believes was unnecessarily damaging for her child. Up to that point her daughter had only spent limited time with her grandparents at family visits and had been outside of the prison twice with them. Jessica had a further 17 months to serve without her daughter.

“They put it across that to keep her [the 21-month-old] there would damage her in the sense of not letting her grow like a child would outside. But bearing in mind nursery staff take them out, they go out shopping, they go out for walks, they’re in a nursery environment during the day. And then half four or five o’clock you’re back again, you’re having dinner with your baby, bath, and then on the weekends you get all this together time. So, with a child that young, there’s no reason why they shouldn’t be kept with their mother....When I was in there with her we had so much one on one time that you

⁴² Ministry of Justice (2019) *Strengthening Prisoners Family Ties Policy Framework*

wouldn't ordinarily get outside....So everything you do is just you and them, there's no one else involved in that."

"Then suddenly for them to be taken away it's like you've just lost something, it's so surreal. That first day, after the initial upset, I remember just breaking down and after that, it was kind of like, I don't know if it's almost a state of shock that you go into, but everything was fuzzy after that. But then more time went on, you just blank it out, you shut it out."

"I remember her going and I remember all the girls, people that I was really good friends with, everyone was suddenly treating me different on the unit, because I'm still there for a few days until I went back to the house blocks. Suddenly people don't know how to approach you, they don't know how to react to you. So, you're not just adjusting to your emotions, you're adjusting to everybody's emotions and the way they're treating you. And one officer in there actually, she did say to me, 'Once that baby's gone, you're just a prisoner'. And I think for that to happen at that time when I just gave her out and to be reminded that basically you're just a prisoner now you know...you've haven't got these privileges that you've had over the recent months, you're just a prisoner and now you are going back to the house blocks. There was no aftercare or support other than from Birthing Companions. Blacking it out just became second nature and it just became put up or shut up. Because no one's going to help."

"The first couple of times when I left from home leave it absolutely broke her heart when I was leaving. When I did come out, although I loved being home I loved seeing her, there was a part of me that found it so difficult because I've gone from having this child that needed me to suddenly 17 months of nothing, and being locked away from her to then coming home and having this child full on that didn't just need me, she was scared if I even walked out the door."

"It was the attachment side of things. Even now, I've been out for almost two years now, and I still struggle to do things alone without her - she wants to be involved, she wants to take part. She doesn't want to go to sleep at night because it's like she's scared she's gonna miss something. And I do believe a lot of that does relate back to the separation that occurred in prison. Because when she got wheeled out of there, as far as she knew she was going out in the buggy like she did any other time, but then she didn't come back. I remember the first visit, I think it wasn't even a week later, my mum brought her up to see me. And I just remember that she clung to me. And it was like, you could just feel the sadness radiating off the wall. It was awful. It was really, really horrible."

Following her own experience, Jessica worked with the charity Birth Companions during the remainder of her sentence to improve after support for other mums like her who'd had children taken away from them on the Mother and Baby Unit, such as fridges to store breastmilk for mums who were expressing and pregnancy packs for expectant mums.

2.5 Mothers experience specific challenges on release from prison

The issues prisoners face on release are well-documented, but mothers face a particular set of challenges.

The lack of appropriate housing is a barrier to reconnection with children

The housing situations on release of the mothers interviewed by Crest varied, but in all instances secure accommodation was a vital factor in their ability to see their children or regain custody of them. Some mothers were able to move in with their parents, who had been taking care of their children whilst they were in prison, and are still living with them now. Others moved in with partners, with one mother being forced to move back in with her abusive ex in order to see her children again. Some were sent to Approved Premises which children cannot visit and which, regardless, were not appropriate places for them or for the mothers' own rehabilitation.

"One of the biggest things is whether they're gonna lose their housing. Once you've lost your housing, it's pretty much guaranteed that you're going to lose custody of your child...If you're involved in homeless services, in hostels and all these types of environments, you can't have children in the property, so where do you take them?"
Project Manager, Society of St. James

"[The hostel] does what it does but it's not pleasant. You're mixing with pro-offending peers of all kinds and being exposed to substance misuse so even if you come out clean, you'll go back into that situation." Probation Services Officer, Southampton

"I remember being in this hostel. It was like a hell hole. Everyone was on drugs, it wasn't a 24-hour staffed hostel and before you knew it I thought 'I need to get out of here', back out, offending again to get money to rent somewhere, and then before you know it, caught again." Carly, Mum

"I remember being frightened, because [my ex partner] picked me up. And I knew that I was going home to a relationship with him, because he lived in the house with the kids. I'm thinking 'Okay, this is not going to be good for me, but I need to do this, because if I don't go home to that house, I'm not going to have a relationship with my children'. It felt like the only way at the time." Clare, Mum

Practitioners reported that many of the women they work with come out of prison homeless, echoed by recent statistics from the Safe Homes for Women Leaving Prison initiative showing that 60% of women are leaving prison without accommodation.⁴³ They suggested that this was particularly the case for mothers whose children had been removed by social services sometime before their sentence due to substance misuse.

⁴³ Prison Reform Trust, St. Martin in the Fields, London Prisons Mission (2020) *Safe Homes for Women Leaving Prison*

Hampshire currently has no female-only homeless hostels. The Police and Crime Commissioner currently funds three Integrated Offender Management (IOM) houses, with spaces for 20 people, offering accommodation alongside support with substance misuse and other criminogenic needs to those whose offences fit three categories: domestic abuse offenders, 'emerging threat' offenders or serious acquisitive crime (SAC) offenders⁴⁴. One of these houses is a mixed accommodation, allowing for female residents, although children are not allowed on site. However, historically not enough women have met the offending criteria to be offered a place, and the mixed IOM is soon returning to a male only site. This means that despite the specific and often complex needs of female offenders, there is currently no female-only accommodation available in Hampshire for women on release from prison without a home. Often, the only option for probation staff is a referral to the local authority.

"If they're homeless, we try and get them some sort of stable accommodation prior to release, but it doesn't always work. And with the best of intentions, they come out homeless, and we have a duty to refer to the local authority." Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

"You would hope that when they're released everything was set up for them but sometimes it doesn't happen. When I used to work in resettlement in a prison, housing referral used to be very difficult. Sometimes, an individual would either not meet the priority need or would be too risky to reside at an accommodation." Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

"Conversations I have had with commissioners would appear that funding an appropriate staff team to cater for female accommodation would prove costly - it would have to be 24/7. In my experience this would be to keep out the unwanted visitors, pimps, sex working punters, drug dealers and sometimes children, as if the other activities are ongoing, then it becomes an unsuitable environment for children." Project Manager, Society of St. James

For mothers in particular, securing suitably sized accommodation from the local authority that enables them to regain custody of their children is a real challenge, which practitioners describe as a 'Catch 22'. Because social housing allocations are based on current rather than future need, it is difficult for mothers to secure a suitably-sized home when they do not yet have their children back in their care. Local authorities may also consider those who have lost their home due to a prison sentence as being 'intentionally homeless', allowing them to discharge their duty to house them into the private rented sector, which is less secure and less affordable, particularly as it often takes some time for benefits to be re-stated. One mother who managed to fund her own deposit for a privately rented home was told it was too small for her to regain custody of her two daughters.

⁴⁴ These categories have changed to neighbourhood acquisitive crime offenders, local priority offenders and high risk domestic abuse perpetrators

"I worked and worked and worked, day and night, seeing my girls in the contact centre, saved myself a deposit and some rent and managed to get a one bedroom flat. [Social services] came and inspected it and they said to me 'This isn't big enough, you need to get a bigger place for your children.'" Amira, Mum

The new OMiC model seeks to make the transition between Prison Offender Managers (POMS) and Community Probation Managers (COMS) smoother by ensuring a thorough handover regarding an individual's criminogenic needs. Although housing is mentioned in guidance regarding this handover, it is unclear who ultimately has the responsibility for ensuring accommodation is in place on release. One POM described how an individual officers' tenacity was vital in securing somewhere for women to stay.

"We try to get the [housing] assessments done early on, and try to get [the council] to assume duty of care [in prison] rather than on the day [of release]. We try to get at least a temporary address before release, and it gives the women a bit of a chance, a bit of breathing space. It's sometimes making the [housing] officers aware, because a lot of them don't understand how it works on the day of release. We need to give them the information they need to make that decision. Traditionally, I don't think the prison service is very good at communicating." Prison Offender Manager, HMP East Sutton Park

HOPE STREET RESIDENTIAL COMMUNITY, SOUTHAMPTON

The lack of female-only residential support in the community is something that the charity One Small Thing hopes to address in the development of its Hope Street residential setting, currently scheduled to open in Southampton in 2022.

Hope Street will provide the opportunity for women given community sentences, and women being released from prison without safe housing to return to, who are Hampshire residents to live in a purpose-built 24 space facility, providing a trauma informed environment and response that recognises their multiple and often complex needs. Hope Street will include a community hub and offer women therapy and treatment to help them understand the trauma that has impacted their lives so they are able to address the root causes of the issues they are facing. Children will be able to remain in their mother's care at Hope Street, helping to reduce the trauma that children experience through separation from their mother. There will also be a network of move-on housing across the county.

Other similar models across the country include Trevi House and Glasgow 218.

Mothers are often unprepared for the challenges they face rebuilding relationships with children

"It's made me run away a few times, because it's so hard trying to rebuild something that you've lost. I never realised how hard it was going to be. I've been out for five years and I'm still struggling." Mica, Mum

Mothers whose children were either placed in care or with family whilst they were inside faced a huge amount of uncertainty when they got out about if and when they were going to get their children back. Probation workers reported that this was a primary concern for many mothers on their day of release.

"They don't know what to expect upon coming out, whether the social services will still be involved or whether their child's going to be taken away, whether they can return home to the child. There's a lot of unknowns for these mums and that brings them a lot of anxiety." Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

Those who were trying to get their children back from social services again found themselves struggling to manage their frustration in order to present themselves as 'good' mums.

"They made me out to be a really bad mother, and it's very hurtful, it's almost like you want to go and jump off a cliff. It's like 'you're commenting on my parenting skills and I gave birth to these children and I've brought them up all this time, all these years, and no one said nothing. And now all of a sudden you have an issue?'. You just want to screw yourself up and you just don't want to work with them no more, you just want to retaliate... It was basically like they were trying to put everything and anything on me and every time they would dig, dig, dig." Amira, Mum

"This particular person, children's services are very involved with the family, but she feels like she's on the outside. And for me, where do we get that happy medium where we have to look at risk, and we have to make sure that appropriate safeguards are in place, and do it in a way that still takes into account and recognises that mum is still mum. We have to take on board how they're feeling. They're feeling as though they're not being listened to, and it makes me think, how many others are actually feeling that I've got no say." Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

"When there's social services involvement, the woman has to jump through absolute hoops to connect and some of them are so unrealistic and so far removed and it's so far reaching." Project Manager, Society of St. James

Mothers described the difficulties they faced readjusting to being a mum and re-establishing relationships with their children. For some, this was about getting back into the daily routine, but others spoke of the need to get to know their children again and come to terms with the struggles they had experienced whilst they were inside.

"To be away from her for 10 months, and 10 important months in a child's life, you know those teenage years, coming up to exams and everything else and hormones. It was really, really difficult. It's almost like she feels she has to protect herself from me going away again. And there's this barrier....I don't know if it will ever go back to being how it was." Sarah, Mum

"Being a mum with kids who you've been separated from, they're only showing you what you need to know because they don't want to upset you. When you come home, your realisation is you don't know your kids at all. You don't know what their favourite tune is, you don't know what their favourite colour is, so trying to rebuild, you're going to come up against a lot of walls. When you come out you realise they're not the kids you left behind." Mica, Mum

"I think [mum] was expecting to come out of prison and everything be ok, and be able to go back to parenting like she used to parent, but she's not able to because a year has passed. Regardless of the situation her child would have grown up and acted in a different way anyway, because she's developing. Put into the mix [mum] being in prison then, you know, the child being allowed to do what she wanted and her environment opening up a lot of vulnerabilities for her, that's when it's become quite complex, trying to rebuild that relationship." Social Worker, Hampshire County Council

"There was one mum who asked me if it's possible to go a course for mums who have adolescent children, because she started to have contact with her child who was, I think, 14, but she hadn't had contact with her for a long time and she didn't really know how to be the mum of a teenager." Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

One social worker described how she was able to provide support for the mum, albeit from the children's perspective.

"I've managed to allocate [mum] a family support worker [who] works alongside me. And I've specifically asked them to do rehabilitation work with the mum so that she can gain an understanding of the impact all this has had on her daughter, and to try and sort of support the development of that relationship." Social Worker, Hampshire County Council

Whilst many mothers maintained that ultimately their relationship with their children remained strong, one mother described how her children still had feelings of anger and resentment towards her for the impact that her imprisonment had on them, decades later.

"I was totally unprepared for how angry they were, And they still are, you know, resentful about me. They feel let down by me..... It sort of destroyed my relationship with my kids....if there's any tension in my family, it comes up 'why are you getting involved, you can't really be giving us advice.'" Clare, Mum.

Some mothers and professionals suggested that help to prepare mothers for reconnecting with their children, and access to family counselling to allow both to discuss their feelings would be helpful.

It is worth highlighting that many of the mothers who spoke to Crest had not still not been able to get their children back from the local authority or from family who were now caring for them. This meant trying to come to terms with the relationships their child has formed with their carer, and struggling with underlying anxiety that they might never regain care of them.

"Now that I'm out again I've picked up on the risk assessment. My little boy is now ten and he says he doesn't want to come back. He doesn't remember living here. Then there's my daughter, that's now 14...[The foster carer] does a lot of great stuff and she loves my children, but sometimes I think there's a misunderstanding that they are mine and not hers. She said to them 'You're gonna live with us forever' and I flagged that to the social worker because that's not necessarily true. I think my biggest struggle is that she feels ownership of them now." Anna, Mum

Mothers face stigma from their community which can be compounded by cultural factors

Many mothers and professionals described the stigma they felt from their community, which they said was made worse by media coverage of their trial which would forever be available online.

"There are a lot of people who, when they come out, especially neighbours, will be quite hard on them that, oh, you went to prison, you shouldn't have the children, they should be taken away, you're not a good mother. So they have to deal with that on top of everything else." Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

"When I left the Co-op, I started doing a couple of shifts in a local pub and somebody googled me, printed off all the articles and stuck them on the wall." Sarah, Mum

"I've had abuse at my door. I'm trying to move because my address is online and it clearly says 'mother of three' and they've put me down as a gang member. I'm the only Asian lady who lives on my road and my children are mixed race. My eldest son doesn't stay with me, to be honest, because it's so much people knocking at my door and buzzing my buzzer all the time in the night. I even had a frightening letter put through my letterbox." Roshni, Mum

Mothers from some cultural backgrounds faced the additional punishment of being ostracised by their community.

"When my parents found out they were really, really nasty to me and I ended up getting disowned by my parents. It was one of those situations where I was very, very isolated from my community." Amira, Mum

"Let's say a woman of Muslim faith comes into prison. Because of what she's done prior to coming into custody, because of her offending, her behaviour, family aren't going to want anything to do with her because there's shame on the community, there's shame on the family, there's all of that judgement. So [prison's] not just going to impact her relationship with her children, that's her relationship with her family and her entire community that's then going to suffer." Family Engagement Worker

Mothers struggled with a probation system that often didn't recognise their maternal identity and needs as mothers

Women described the lottery of getting a good probation officer (Offender Manager) who would understand them as mothers. Some were said to 'completely get it' in terms of issues related to children, whilst others, particularly if they were male, were said to be only interested in managing risk.

"I used to go to probation once a week. I had a man the whole time. His job was to check that I turned up and that I wasn't late. I was just a number." Clare, Mum

"I had a bloke for so long which was just totally inappropriate with all the trauma I'd been through. They never really mentioned [my daughter], didn't offer any support with it. It's all about risk to the community and reoffending. They weren't interested in me as a mum or me having a child." Carly, Mum

"Margaret, she's absolutely brilliant, really, really good. She'll sit and just talk to me about [my daughter], she asks about all the family members." Carly, Mum

Since unification, the new Probation Service has sought to build on the best practice of Community Rehabilitation Companies, and its national strategy now includes an aim for women

offenders to only be managed by female Offender Managers. The complexities of working with women have also been recognised in allocating caseloads, with the aim of ensuring that Offender Managers have sufficient time to support individuals with multiple needs and vulnerabilities, which includes children. The Offender Managers Crest spoke to reported that it could take months to build a sufficient rapport for mothers to feel safe to talk about their children, particularly if they had been taken into care. There is currently no specific professional training for Offender Managers working with mothers.

“For me it’s about building that trust, building that rapport, getting them to trust me and know that I am there for them, and then we can go into the stuff around the children because they’re more likely to speak to me then. It’s kind of my approach, approved by my manager, because with women, if we don’t trust someone, we’re not going to talk about it.” Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

Offender Managers also felt that interventions which were tailored to mothers would be beneficial. Despite a range of programmes being available to meet identified criminogenic needs such as ‘Managing Emotions’, ‘Thinking Skills’, ‘Creating Change’ and anger management courses - which they pointed out were designed for men - there was nothing specific for mothers.

“We don’t really have a lot of things for mums specifically. We tend not to treat them any differently to any other service user [but] they have their own issues in terms of children or not having children and the traumas linked to them.” Community Offender Manager, Hampshire Rehabilitation Company (now Probation Service)

Both mothers and Offender Managers cited the lack of childcare as a barrier to mothers attending appointments, one which Offender Managers tried to accommodate as much as possible in the absence of any official support with childcare costs.

“When I got my first probation officer I told them I had no childcare, I’m going to have to bring my child and they’re like ‘The rules are that you can’t’ and I said ‘What do I do?’ and then she just kept threatening me saying ‘If you don’t come, it’s a breach.” Amira, Mum

“If I’m honest, there are probably some people who are unable to attend because of childcare. We try to accommodate. We have had mothers turn up with their child, it’s not normally something we could accommodate unless it was particularly urgent because we wouldn’t want the children to be there at the same time. But at the same time, we have mothers turn up and we don’t turn anyone away because they’ve been with their children it’s just trying to arrange alternatives that are safe for someone to look after them – registered childminders or family members.” Community Offender Manager, Hampshire Rehabilitation Company (now Probation Service)

3. The impact of maternal imprisonment on children

Parental imprisonment is now understood as an Adverse Childhood Experience (ACE) in recognition of links to diminished life chances, poorer educational attainment and mental health issues. Yet no distinction is made between paternal and maternal imprisonment, despite research showing the latter has a *'particularly devastating'* impact, *'affecting every aspect of life'* because most primary caregivers are women⁴⁵. Some of the individual stories highlighted in this chapter detail mental health problems, suicide attempts, youth offending, bullying, exclusion from school, and increased vulnerability to childhood criminal and sexual exploitation which were directly linked to mothers going to prison.

There have been calls for a systematic approach to identifying children affected by parental imprisonment⁴⁶, without which they remain 'invisible' to agencies that should be there to help them. This research has found that these systems are not in place, and that a lack of robust data collection and information sharing between agencies means children are left to cope with the impact of maternal imprisonment with little or no support. In addition, those left caring for them - often grandparents or partners - experience emotional, financial and practical challenges with a similar lack of support. The result is that both the short and long-term effects of maternal imprisonment on children can be devastating.

3.1 Arrest and sentencing can be scary and traumatising for children, whose voices often go unheard

Even before a mother goes to prison, the trauma of witnessing her arrest, the lack of voice during court proceedings, the shock when a custodial sentence is read out and the pain of not being able to say goodbye all have a huge adverse impact on children. Mothers interviewed by Crest who had been arrested with children in the home described the terror their children experienced as police arrived without warning, sometimes in the middle of the night, which they felt was an unnecessary trauma inflicted on their children.

"I pushed the children into the front room, because there were so many [police] that I could see. I quickly unlocked the door before they booted the door off. And then they, you know, they came in, they started to shout and scream and I told them to calm down because my children are in the front room." Roshni, mum

"All three of us were in bed together while the police were sort of banging down [the door]. And my mum was trying to tell us that it was okay and stuff like that. I don't know if the police knew that she had kids in the house ... And so they broke down the door because my mum wasn't letting them in and they sort of rushed upstairs to arrest her and were kind of alarmed at the situation." Leoni, adult who experienced maternal imprisonment as a child

⁴⁵ Beresford, S (2018) *What about me? The impact on children when mothers are involved in the criminal justice system*. Prison Reform Trust

⁴⁶ Beresford, S (2018) *What about me? The impact on children when mothers are involved in the criminal justice system*. Prison Reform Trust; Kincaid (2019) *Children of prisoners: fixing a broken system*. Crest

Hampshire Constabulary reported that for planned arrests, information about children would usually be factored in as part of operational planning. For example, the arrest might be scheduled during the school day and alternative plans might be made in advance with social services for children's care. Where an arrest warrant is required, vulnerabilities such as children need to be identified and police will be required to show a judge or magistrate how this will be mitigated, such as by having a dedicated officer on the scene to support the child. Planning around children is more difficult where the incident is dynamic, and in these instances children may need to be taken into emergency custody by police. It is not clear whether consideration of children during an arrest is part of Force Policy and Procedure (FPP), but the charity Prison Advice and Care Trust has compiled guidance for police forces when conducting arrests.⁴⁷

"We then have to take them into emergency custody into police protection, basically. And then it's down to the Duty Inspector to liaise with social services to find a suitable place for them to go. And as you can imagine, it's normally two o'clock in the morning and is very difficult to, you know, to try and source and one of us will have to be with those children, quite understandably. It's not something we do often. And I'd say it's generally only where we've got a real immediate concern for the child or the children. But, you know, that is a bit of a nightmare when it happens. Because social services can be quite difficult to get hold of, and, you know, they've got the struggle of finding somewhere for them, etc. And, yeah, and it's the kids at the end of the day that we, you know, the ones we're trying to look after. So, you know, that becomes our priority rather than the offenders at that point. You know, because it's not a good experience for them to live through." Inspector, Hampshire Constabulary

Being in the courtroom can also be a distressing experience for children, with some mothers recalling their children's devastation as a custodial sentence was handed down, particularly if this had not been expected. If children were at school, some had been dropped off by mum that morning with the expectation she would be there to pick them up – but instead were met by either social services or a family member.

"My daughter wasn't prepared to say goodbye. None of us were because the solicitor said the worst you'll get is a suspended [sentence]." Fiona, Mum

"I remember my son shouting, and my daughter crying and getting up out of her seat in the public [gallery], and walking across to the judge and saying what are you doing, why are you sending our mum [to prison]. And my concern just being for the kids just going - don't look scared, that I didn't want to look scared because I didn't want them to feel scared for me." Clare, Mum

⁴⁷Retrieved from: <https://www.prisonadvice.org.uk/Handlers/Download.ashx?IDMF=3a202b33-8938-49ae-9a92-33e6c37f728b>

“On the day of sentencing, I parked my car outside the court because I thought I was coming back out. I dropped my children off to three different schools that morning. They didn't know, and I thought I was coming back out and that it was just a normal appointment.” Amira, Mum

“She burst into the courtroom, [...] screaming for me. She then went through the courtroom and into a secure area reserved for jurors, she was shouting and crying uncontrollably, threatening to kill herself and in complete distress. Court staff, security and a probation officer talked her down and persuaded her to leave the court. But she was behaving erratically and confused in an angry state, with her grandparents attempting to calm her down. And it was upsetting to anyone that witnessed it.” Fiona, Mum

One mother described how, even though she knew she was going to get a custodial sentence, she simply didn't have the words to have the conversation with her children.

“When I look at that now, I think ‘Oh my god, how did I not speak to the kids? I think I was so, so frightened of even mentioning it.’ Clare, Mum

Previous research by the Prison Reform Trust⁴⁸ shows that children would like magistrates and judges to take their feelings, and the impact of a sentence on them, into account. Without this, they can feel invisible and powerless during the process.

⁴⁸ Beresford, S (2018) *What about me? The Impact on children when mothers are involved in the criminal justice system*. Prison Reform Trust

CHILD IMPACT ASSESSMENTS

Campaigners in the UK and Europe have long campaigned for the introduction of Child Impact Assessments to ensure that children affected by parental imprisonment are listened to throughout the criminal justice process.

The Prison Reform Trust (PRT) is currently leading a pilot project, funded by the Churchill Fellowship, to pilot and evaluate the use of a Child Impact Assessment for children with a primary carer (usually a mother) in the criminal justice system. As part of the pilot, a Child Impact Assessment form will be given to practitioners and professionals in a range of settings including women's centres, NHS Liaison and Diversion, prisons, schools, social services and probation to use directly with children who have current or recent experience of a mother in the CJS. The Assessment is intended to be completed with the child by a trusted professional from statutory or voluntary services - with a relationship of trust being key to ensuring that all the relevant information is shared. It is intended as a framework for ongoing conversations with the child throughout the parent's criminal justice journey and can be undertaken as often as possible to take account of changing feelings and circumstances. Questions include how the child is feeling and coping, who their trusted adults are, things they would like to say and actions they would like to be taken to support them. The information in the Assessment can be passed on to other professionals in the child's life, with the child's consent.

The Child Impact Assessment is intended primarily to ensure that the voices of children affected by parental imprisonment are heard and that children are listened to and can access support if they feel they need it. The pilot is also exploring whether the Assessment could also be used as part of information compiled in Pre-Sentence Reports, to enable courts to better consider the impact of imprisonment upon the welfare and well-being of any dependent children, rather than to influence sentencing.

The pilot will run between September 2021 and March 2022.

3.2 A lack of honest communication with children can heighten confusion and create distrust

Family members left caring for children in a mother's absence can struggle to explain what's happened, instead creating alternative stories about her whereabouts such as that she is sick, working away or is on holiday. Over time such stories can become difficult to maintain, which can create confusion and distrust when the child discovers they were lied to. The charity Children Heard and Seen provides a range of age appropriate crib sheets to help families looking after children when a parent has gone to prison have open conversations with children which it believes can help to reduce a child's anxiety. Some practitioners emphasised the importance of allowing families themselves to decide when to have these conversations.

"Nobody's ever told them what happened. All that the children were told was that I was ill. Now they see me they're like, well, mum's better what's going to happen now? You know, the children were lied to. And it's just a mess." Anna, Mum

"They told her I had to go and look after my brother because he wasn't well. You know, she's already asking questions - 'but Daddy's gone to work, why have you gone?' [...] I literally just broke down and cried. And that's what I didn't want to do [...]. I kind of tried to avoid talking to her." Roshni, Mum

"I think the most horrible thing was just not knowing exactly how long she would be in prison. And not getting any communication from her [...] We were just living each day, hoping that maybe someday soon she'll come home." Leoni, adult who experienced maternal imprisonment as a child

"We've worked with families where it's four years down the line, the child was really young at the time [mum went to prison], so they didn't tell them [...] and now they're stuck in a lie. Families think, if we don't tell them then that's protecting them, when actually it's doing more harm. We try to encourage parents to tell [their children] the truth as much as they can so that it's age appropriate, because [...] it reduces the trauma that happens with children [because] they know that they're being lied to, and they don't know why, and then they fill in the gaps themselves and they think that parent doesn't care about them, or doesn't love them" Practitioner, Children Heard and Seen

"For sure, most children that I've worked with say 'we'd rather you tell us the truth' [and] loads of research telling us the truth tends to help. [But] what it's creating now is that there's just this one answer: the kids have to know the truth, because that's what the research says, and we're not respecting nuances within families. So what I say is, if you're not ready to have that conversation, that's fine, I can tell you some of the positive reasons why I think your child might benefit, but you know, in your own time and your own pace - you might not be ready for a year. And those families are much more likely to engage because they aren't being told what to do and their power as a parent isn't being taken away." Practitioner, Time Matters

One adult affected by maternal imprisonment as a child described the importance of professionals being honest with children.

"It just felt really random, surreal and just like social services should communicate with why exactly we were there. [...] I think sometimes the child should know the reality of the situation they're in and they shouldn't have what they should know decided for them" – Leoni, adult who experienced maternal imprisonment as a child

FAMILY GROUP CONFERENCING PILOT, CHILDREN HEARD AND SEEN

The charity Children Heard and Seen supports children affected by parental imprisonment. From November 2020 to January 2021 it piloted 'Family You', a family group conferencing programme for parents facing a custodial sentence. The programme involved a series of meetings between immediate family, grandparents, schools and other key people in the parents' life to discuss what could happen frankly and honestly, decide who will look after the children if mum or dad goes to prison, contact arrangements, and key information about the children's daily routines. These sessions aimed to create a space for honest and practical conversations, working on the premise that the more prepared children are, the less anxious they'll be.

"Those children felt a lot more secure [...] the more you can have that with the whole family, so that everybody knows how contact's going to work, they know that it's going to be letters, or it's going to be phone calls, or it's going to be a visit once a month [...] it would make those relationships a lot easier. And reduce those anxieties for children...the more planning, the more support you can give pre-sentence, I think the easier it is for the children to deal with - and then for the families to deal with" Practitioner, Children Heard and Seen

3.3 Children experience stigma and shame, creating issues at school which they face with little or no support

A lot of stigma remains around having a parent in prison – more so if it is a mother. Children pick up on this, creating a pressure for them to keep quiet about the situation and how they are feeling, which can be isolating.

"It was a very lonely time because we had no one really to talk to about it without it feeling like this massive shame on the family." Leoni, adult who experienced maternal imprisonment as a child

"I had one little boy [...] and he was in real turmoil, because he was going to school, he was making new friends and he felt that he was lying to them, because he wasn't able to tell them about his mum and dad. And he was saying, I'm not a good friend, because I'm lying to people straight away." Practitioner, Children Heard and Seen

Mothers and practitioners described the complex and conflicting emotions children experienced around a mother's imprisonment, which had the potential to cause them to withdraw or self-harm, but also to lash out, get into fights and engage in risky behaviour.

"He won't really speak about it. He was hurt. He was tired. But because of the age that he was at, he didn't want to break down and cry, obviously, he was a teenager. So he tried to kind of man up, should I say. He did kind of derail a little bit." Roshni, Mum

"[My son] had to listen to the bullshit that was being spoken outside. And then he wanted to fight the world for a little while." Rachel, Mum

"It was just a mixture of just intense anger, and just heartbreak over stuff we could never get back." Leoni, adult who experienced maternal imprisonment as a child

Rumours circulating in the playground and press coverage of a mother's offence can lead to bullying, with schools not always knowing how to handle the situation.

"This child's parents, somebody must have been having a conversation about us being on the internet, the child picked up and has gone back to my daughter, and my daughter's ended up crying - burst into tears. She's, 'oh, my God, everybody knows'. And she's very sensitive." Roshni, Mum

"There was a lot of press coverage [...] and it caused my daughter to be bullied massively." Sarah, Mum

"After the court proceedings it was all in the papers, so that made it really difficult for her to attend the same school or to stay in the same area. So her grandma lived in a neighboring town and she moved to that town and then moved to a new school. I think that made it a little bit easier for her but at the same time she misses her friends." Support Worker, NEPACs

"I found out tales of people being nasty to the kids, the kids being bullied at school, being ostracized from events because of their mum." Clare, Mum

"I didn't want to be bullied, so I had to be strong - and it made me quite aggressive [...] I couldn't afford to be weak in the situation. [There was] no one to talk to about it at school [...] I had to fight to survive, quite literally." Leoni, adult who experienced maternal imprisonment as a child

"Quite often, families will tell the school, if they tell anybody. [...] and the advice they're often given is, don't talk about it, don't tell anybody, and that's because the school is worried about bullying - they don't want the child to be bullied. But then, you know, you're just reinforcing that you've got something to hide, that you've got something to be ashamed of." Practitioner, Children Heard and Seen

Both professionals, mothers and those who have been affected by maternal imprisonment as children felt that having a trusted adult or mentor to talk to should be at the centre of any support given, but emphasised that it was important that this should be at the child's request, rather than something forced upon them.

"From the point at which she goes to prison, you should be assigned, like, a caseworker or something like that, that someone that you get to know over the whole time that you can, in a less sanitised environment, actually talk to...that would help sort of create a more comfortable environment." Leoni, adult who experienced maternal imprisonment as a child

"It really makes a difference for the children just to have someone outside the home who is absolutely there for them....just having someone neutral to make sense of your own feelings." Practitioner, Children Heard and Seen.

"Nine out of 10 times, young people say that they feel much better talking to somebody who can listen to them. Because very often, you know, they are unable to open up to family members, because they're going through the same thing. Some young people say, you know, 'it's hard for me to talk to my mum, or my sisters, because I don't want to burden them. Because, you know, they're going through the same emotional turmoil as I am so I don't want to add an extra burden on them.'" Support worker, NEPACs

"These are really difficult emotions for kids to navigate. [...] There was zero support for the kids." Clare, Mum

"The young people I've talked to said that they find it hard because they have a lot of changes in social workers. That could be because it's agency social workers coming in, and they find it hard to maintain that kind of relationship if it's a new face after a few weeks, so it's just to make somebody more permanent in their life. That would be a better support package for the young people." Support Worker, NEPACs

One support worker was clear about the need for secure funding for services supporting children with a parent in prison. Whilst there are several organisations in the UK working to support children affected by parental imprisonment, coverage is largely local or regional meaning that there will not be face-to-face support available for children in the majority of areas.

"Services like ours, we're funded through charity funding. So I think we need something a bit more concrete from government to fund it for the long term because my fear is, if we're offering this service for the young people and the schools, and we don't have the funding to continue, that service is not going to be there and it's quite a tailor-made service. It should be more secure or main-streamed so that at least that young person has that opportunity to be able to talk to someone about their feelings." Support Worker, NEPACs

3.4 Keeping in touch with a mother in prison is hard for children, both practically and emotionally

Practitioners working with children of prisoners described the mixed emotions some experience regarding contact with a mother in prison. They described how frequent phone calls can be

reassuring, but also create pressure on children to be available at the time of the call, and to talk for what sometimes felt like an unnatural period of time. If they didn't want to talk to their mother, they felt guilty for it.

"I've had children that have really grown resentment towards their mum, because what she's done means that not only have they lost her, but they're now missing out on other things to talk to her." Practitioner, Children Heard and Seen

"Children [say] my mum's done something bad and I don't want to talk to her, I don't want to hear from her. And then that is sort of coupled with a guilt of, well, she's my mum, so I should want to talk to her, but I don't want to talk to her because of what she's done. So does that mean that there's something wrong with me?" Practitioner, Children Heard and Seen.

For some children, visiting mum in prison was a positive experience, allowing them to reconnect and have context around their mother's whereabouts, and know she is ok. For others, visits were traumatic experiences, compounded by procedures like searches and rules which forbid touching and hugging.

"If you tell a six or seven-year-old about someone being in prison, they think that they're in some great big tower with bars on the window and they obviously can't escape because they're locked in. But I think for that reason children should go to a prison just to see that actually it's okay." Social Worker, Portsmouth City Council

"Very often young people are anxious about, you know, how their loved ones are looked after in prison. So we have a discussion around the prison setup, and also listen to their concerns." Support Worker, NEPACs

"[Visits] only traumatized me, because it was the reality of where my mum was ... it wasn't just this mystery and unknown." Leoni, adult who experienced maternal imprisonment as a child

"My daughter was really struggling so my partner bought her to visit me and as much as I tried to be positive and say like, you know, I'm okay. You know, ... she knew, she could see the weight I'd lost." Sarah, Mum

"My girls were like, mum we had to put our hands out like that. They checked us like this. They laugh about it now but for a child, it's a traumatic experience." Amira, Mum

As highlighted in the previous chapter, there is a lack of consistency over whether social workers judge prison visits to be in the best interests of the child. Practitioners working with children affected by parental imprisonment felt it was vital that the child themselves made decisions as to whether they wanted to visit, and that the question should be revisited multiple times to recognise that children's feelings can change.

"I think there is, unfortunately, a lot of poor practice where social workers are assuming that it's not healthy for a child to go on a prison visit or be in contact with their mothers, whereas most times they're not actually listening to the children, they're making those decisions for the child, not with the child. And that needs to happen more. Social workers are by nature very risk averse, because that's their training. So they're going to see prison and an offender as a risk. But what they've not seen is the high risk of what separation anxiety and attachment disorders can do to a child. This isn't about social worker blaming, but perhaps a systemic issue around lack of resources, lack of training, lack of understanding and lack of time, is the problem, really." Practitioner, Time Matters

Disputes over contact between mum and family members or social workers can be difficult for the children stuck in the middle. Sometimes children are left to take sides or become pawns in a custody battle.

"Where parents haven't wanted to take their children into prisons [...] particularly with the families that are no longer in a relationship, that's quite a big conflict. And then obviously that impacts on the child as well, because you know, they're hearing these conversations going on" Practitioner, Children Heard and Seen.

"He was going, "Oh, Daddy says I'm not going to see for 40 days. He thinks he's boss, but you are, aren't you Mummy?" So basically he wants me to tell his Dad he wants to come in." Amy, Mum

3.5 The adverse impacts of maternal imprisonment can be life-changing for children

"They were just happy kids. And that happiness was shattered." Clare, Mum

Both mothers and practitioners working with children affected by maternal imprisonment detailed some of the devastating impacts on children. Charities reported anxiety, difficulty sleeping, depression, and poor mental health as common presenting needs among children upon referral. Yet this research found that in some cases the consequences were far more severe, including exclusion from school, self-harm, suicide attempts, increased risk of exploitation, and offending.

"She was struggling to deal with me not being there and she didn't know how to express that. So she started playing up at school. She got kicked out of school." Sarah, Mum

"My second eldest, when she was in care homes she was mentally, it just did her. And so up until now she's got mental health problems, and she's self-harming." Amira, Mum

"The week before his A levels, [my son] got into a fight at college. And he got arrested and he got three years in prison for it. It was really awful. He had never been in trouble with the police ever. [...] And it's totally altered his life. It took him a lot of years, he was

very lost over it [...] it totally shaped his relationship to the world in a really negative way.”
Clare, Mum

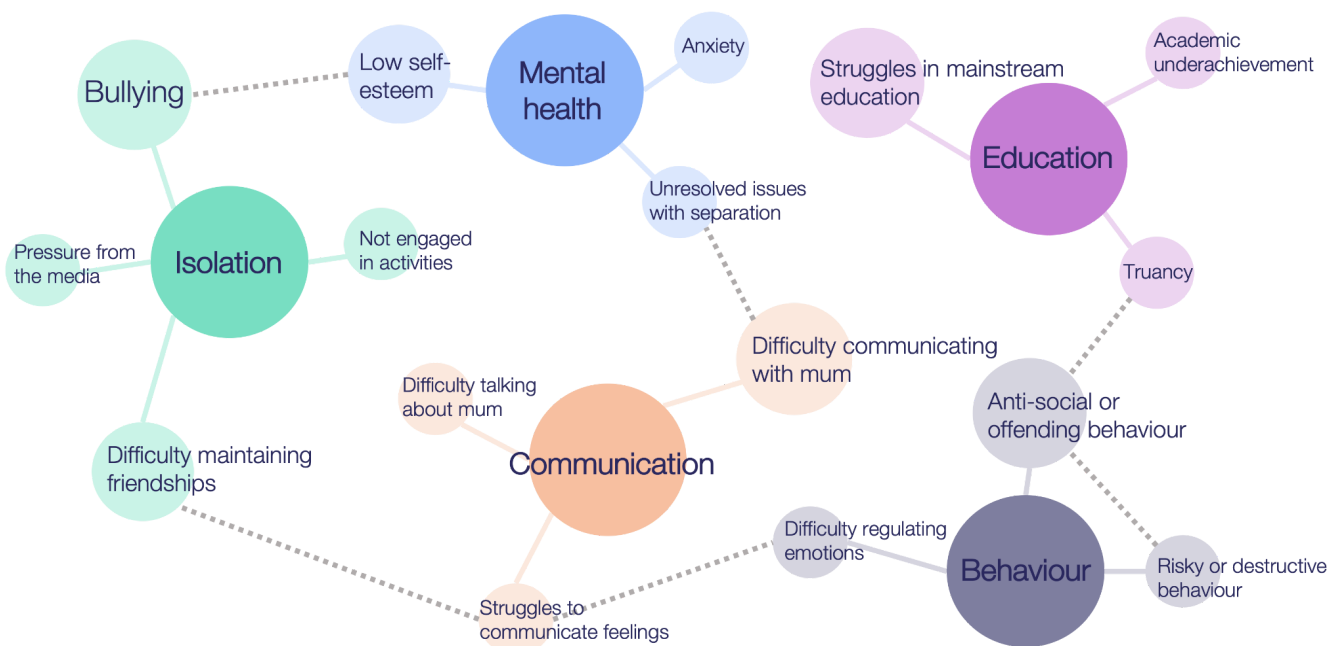
“They put her in independent living, so she had to live on her own [...]. She had to give up college because she had to get a job to pay for her bills. [...] She says she felt like she'd failed - but she had no choice.” Anna, Mum

“[My daughter] always says to me, “Mum, I feel really guilty because I left my sisters. Because I couldn't cope either, I couldn't cope in the house without you. I couldn't cope with living with dad. And I just wanted to have, like, build my own family and feel loved and secure.” Clare, Mum

“[My son] rebelled and that's why he's in jail ... and if I'd have had the support I'd have been able to show him, and been there for him” Naomi, Mum

“Probably makes it acceptable for my kids, because I've been [in prison] and now one of mine is there. There may be acceptance. When it's - mum can do it, we can do it.” Mica, Mum

Fig. 2. Children Heard and Seen, map of presenting needs taken from case studies



Some mothers interviewed by Crest described how their children were placed in unsuitable or abusive settings, with a lasting negative impact on the children's wellbeing. Practitioners emphasised the need to listen to what children want, rather than decide for them.

"[Social workers] didn't listen to her. They didn't listen to what she wanted. As far as they were concerned, she needed to go to my next of kin, which was my mum, whether there was a relationship there or not, they didn't care...She's taken an overdose because she doesn't want to be without a mum. She doesn't want to be at her grandma's and I can't do anything. I can't go. I can't really do anything." Sarah, Mum

"They weren't coping very well. And when they used to come and see me, they had nits in their hair and everything, and they used to cry ... my eldest at the time was basically showering the little one and she goes 'I have to do that, [the foster carers] make us sleep on the floor and they will make us sit in the car when they take the other kids out.'" Amira, Mum

For some children, having a mother in prison propelled them into a position of responsibility for younger siblings, and in some cases mum as well, while they themselves are still struggling to cope with emotional trauma. They have to grow up fast, and may feel they have missed out on their childhood. For younger children, the trauma of separation can create attachment issues rooted in a fear that mum might go away again.

"I was incredibly sad because I didn't get to be a child. I had to look after my brother." Leoni, adult who experienced maternal imprisonment as a child

"Although this child was 12 years old, she matured a lot quicker than, I would say, another child of 12 years....for a 12 year old it's a bit too much to also be offering mum a shoulder to cry on. She's been affected by that as well." Support Worker, NEPACs

"My son was 18.... Suddenly he was thrust into this position of being the eldest sibling who had to be the support to the dad, and, you know, had all these younger sisters. And the pressure was way too much. He never spoke to anybody about it ... all that anger sort of exploded." Clare, Mum

"He went off the rails, he's the oldest. He had to have all the pressure. He felt like he had to take on the role." Naomi, Mum

"My daughter was very clingy. She wouldn't leave me alone at all. And she still doesn't leave me alone. It took her quite a couple of years or so from when she saw me and I came out of prison. I couldn't go to the toilet. I couldn't do anything. She wouldn't go to anyone's house, she wouldn't go anywhere, cause she thought I was going to disappear and not come back." Roshni, Mum

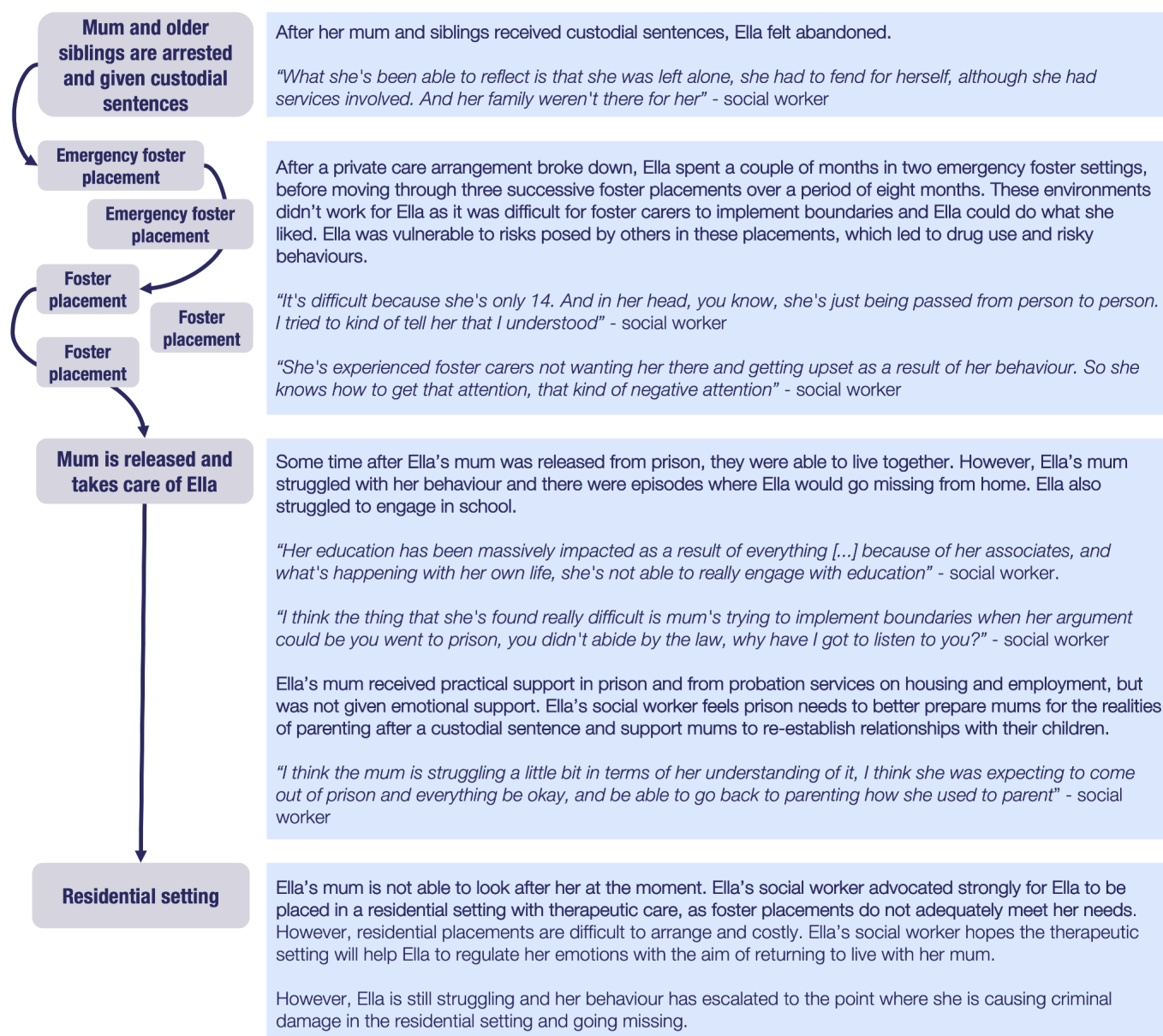
"She finds it really hard to form relationships, because she's scared of everybody that she loves leaving her. ... She finds it very hard to form friendships with anybody and she puts his hard barrier up ... and now our relationship, it's good, but it's not what it was because she always has this fear that they're going to pull me again. She's always on edge." Sarah, Mum

"She still has liver damage from the overdose that she took. She still struggles now; she has a panic attack if we're in the car and police sirens come up ... We were in a supermarket once and two police officers came rushing in and she just went to bits. She just constantly lives in fear that something's going to happen to me again." Sarah, Mum

"We have a fantastic relationship, but she's suffered. She has poor mental health now, really bad. She's so untrusting of everything and everybody. She has attachment issues, she always feels insecure." Anna, Mum

Fig. 3. Case study: Ella's Story (see Fig. 6. for detail on cost of interventions)

CASE STUDY: ELLA'S STORY



3.6 Identifying children affected by maternal imprisonment

In August 2021, Crest conducted public polling with over 2,500 respondents to understand public opinion around maternal imprisonment and its impact on children. Three quarters of respondents (74%) said schools should be automatically informed when a child goes to prison, and a similar percentage said counselling should be offered to the child. Nearly two thirds (62%) believed financial support should be available to those looking after them. Currently, none of these provisions are available.⁴⁹

⁴⁹ See Fig. 14 in Appendix C

Practitioners working with children of prisoners agreed that it was vital that they are offered specialist support to cope with the trauma of having a mother in prison, and that financial support should be available to extended family caring for children of prisoners. Some believe that systematic identification of these children which triggers an automatic intervention or referral for help is the best way to ensure that no child slips through the net. Others have called for children affected by parental imprisonment to be automatically given 'Children in Need' (CIN) status by their local authority.

However, some caution that it is vital that any systematic identification needs to be balanced with the right to privacy of the child.

"I think [systematic data collection of children affected by parental imprisonment] could potentially add to stigma and shame and it's what happens to that data. So, for example, if a child is identified as having a parent in prison and then their school is informed without the child wanting their school to be informed, or without their consent, then that actually could cause that child to not want to go into school and be even more ashamed. I know children who've said, you know, they would rather keep their education and their private life separate. Without the child's consent, you could alienate the child where they just want normality. I've spoken to children who've said, 'if my school knew I would want to change schools', 'when teachers found out I didn't want to go in for weeks', so I think we have to think very carefully about this idea of identifying children." Practitioner, Time Matters

There was universal agreement that key agencies such as schools, social services and police should receive training around how to support children of prisoners if they come into contact with them, and create a compassionate environment where children and families caring for them feel safe in disclosing their situation.

"It's about creating a culture of compassion and understanding and if we do that when families are in this position, they will feel far more comfortable to go to places like their teacher or social services. You've got to put families in a position where they want to identify because the outcome for them is positive. At the moment the outcomes are often negative - they can have invasive interviews that don't lead to anything positive and the outcomes can be really upsetting. So we have to go 'actually, if you identify, you can be told where your local support services are, you might get some monetary help, you might get this, this and this but we'll do it in our own time.'" Practitioner, Time Matters

THAMES VALLEY POLICE PILOT TO SUPPORT CHILDREN OF PRISONERS

Thames Valley Police (TVP) has developed a pilot for a new system to identify children in Oxford affected by parental imprisonment and offer them advice and support.

Working with HMPPS (Ministry of Justice) TVP are receiving daily reports on those entering the secure estate across England and Wales. TVP is currently building a system which will check these names against their own records and those of other partner agencies to establish links to a child in the local area. The family will then receive a visit from a Police Community Support Officer who will offer to refer them to local support services including Children Heard and Seen. Their name will not be shared with any agencies other than those the family wish to be informed and will remain only on police systems.

The pilot began in September 2021. As the pilot develops TVP will look at wider supportive services.

3.7 The wider costs to the state of sending mothers to prison are significant

Crest worked with local authorities in Hampshire, Portsmouth, and Southampton to identify children who have or have had a mother in prison. This was done through recall of individual social workers related to cases they had worked on, as there was no field in case management systems which recorded information about parents in prison. Once identified, local authorities provided Crest with anonymised, case-level information around interventions and services connected to the child which are directly linked to the mothers' imprisonment. Using the Greater Manchester Cost Benefit Analysis tool⁵⁰, which provides a unit cost database containing more than 800 cost estimates on thematic areas including crime, health, and social services, Crest has estimated the minimum total cost to each local authority of these interventions. Added to the cost of the mother's custodial sentence, these suggest costs to the state of up to £265,008 per family. The cases speak to both the adverse impacts of mothers going to prison, as well as the need for better interventions for mothers who offend. They also highlight the reality that mothers continue to be imprisoned for non-attendance of a child in school, disproportionately to fathers.

Child A

The case detailed in Fig. 4. outlines the interventions for Child A against the backdrop of both parents' offending and imprisonment. One year before their mother was sent to prison, Child A was placed under an interim care order and later into long-term foster care along with their younger sister. Prior to this, Child A was under child protection planning on two separate occasions for emotional abuse and neglect respectively. While in foster care, Child A had

⁵⁰ [Cost Benefit Analysis - Greater Manchester Combined Authority \(greatermanchester-ca.gov.uk\)](https://www.greatermanchester-ca.gov.uk/cba/). Please see Appendix D for the full breakdown of unit costs and original source information

multiple missing incidents, indicating that the environment was unstable and heightening their exposure to risk. Child A is currently living with their older sister and is in Looked After Care planning. The significant negative impact of these unstable and unsuitable living arrangements on Child A's mental health and education is clear: Child A is currently receiving support from CAMHS and has an assigned social worker. For the past year, Child A has been in alternative education provision.

The custodial sentence which mum ultimately received left Child A in the care of their older sister at the age of 13, precipitating a series of costly interventions. In this case, the mother's offending is non-violent and could be related to the offending of her partner, who has been convicted of assaulting her. While information on the interventions provided to the mother of Child A is not available, if any were offered they were not effective in preventing future offending, which may have allowed Child A to return to her care.

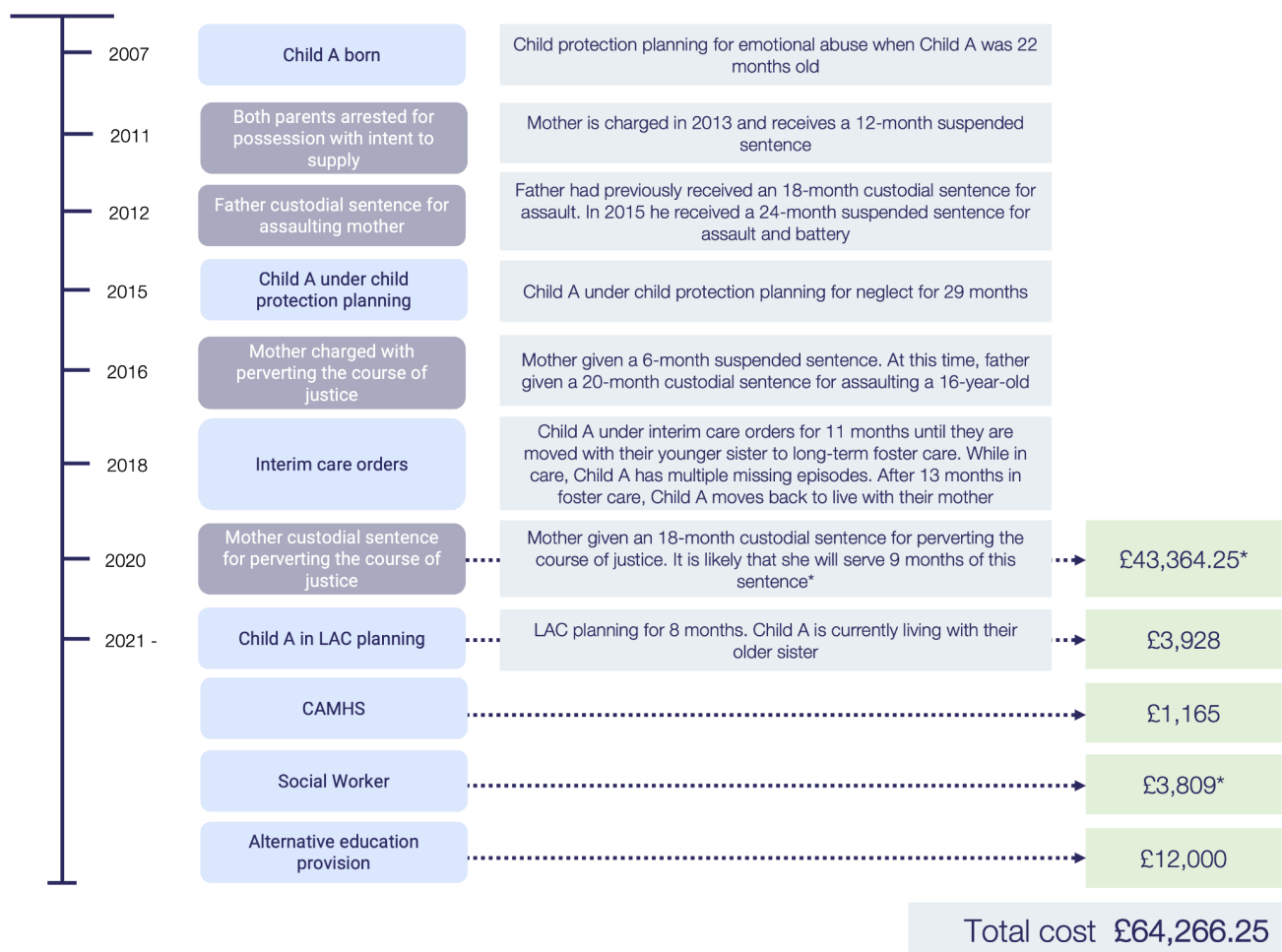


Fig. 4. Timeline showing the accumulative cost of interventions for Child A linked to mother's imprisonment

Child B

In the case of Child B, illustrated in Fig. 5, social care interventions occur alongside repeat short custodial sentences handed to the mother for the offence of the child's non-attendance at school.

The case notes indicate that Child B has been the subject of child protection planning intermittently since the age of 10, with care proceedings issued when Child B was 11 years old. Shortly after proceedings were issued, Child B's mother received a two month custodial sentence for Child B's poor attendance at school. In the following 10 months, Child B's mother was returned to prison on two separate occasions for breaching the probation order. Parenting workshops attended by Child B's mother under the terms of a supervision order may help to repair their relationship, and enable Child B's mother to implement rules and boundaries. However, Child B still struggles with their mental health and has made multiple trips to A&E. They are currently on the waiting list for CAMHS. Child B is refusing to engage with social care and does not attend college.

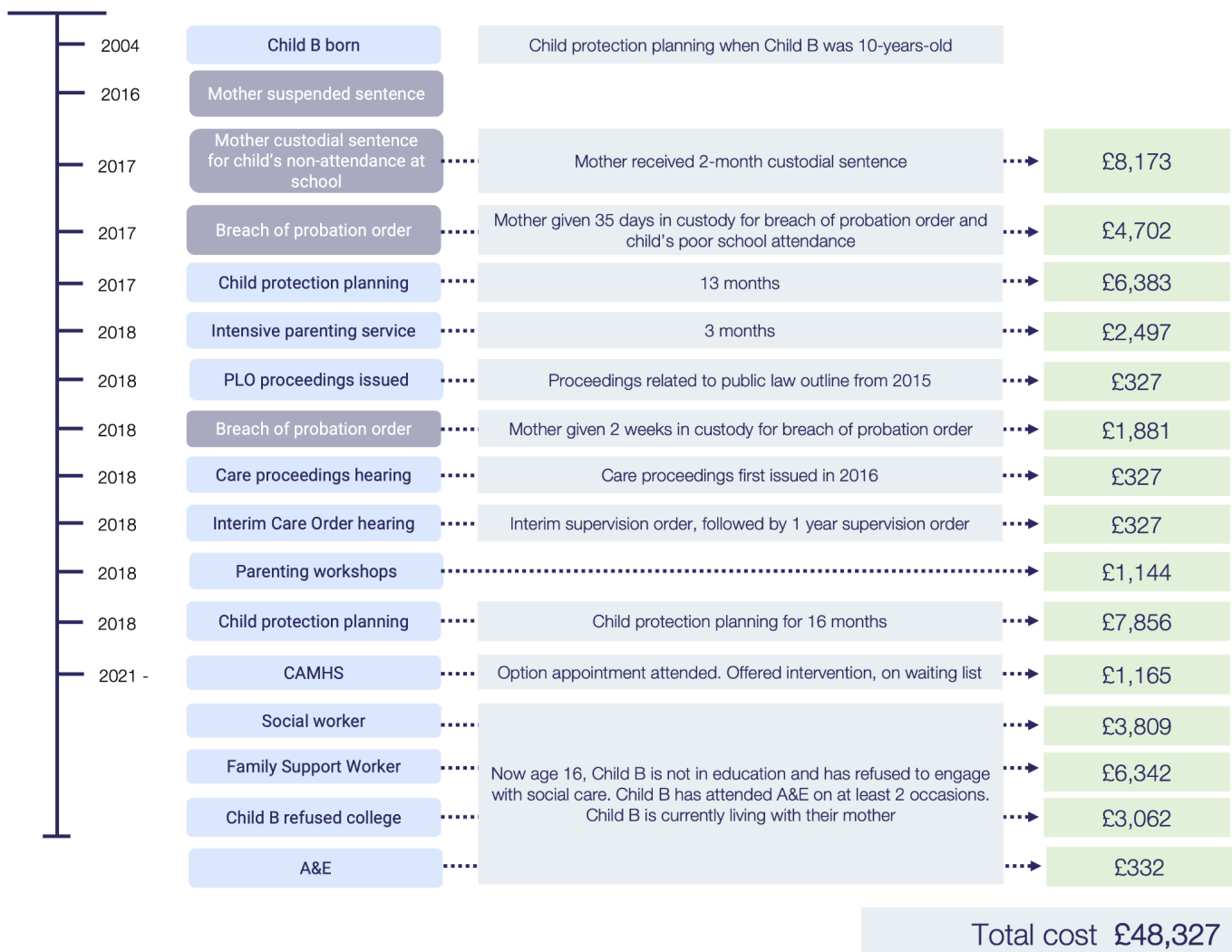


Fig. 5. Timeline showing the accumulative cost of interventions for Child B linked to mother's imprisonment

In this case, a custodial sentence was imposed ahead of less punitive and costly interventions such as intensive parenting services. Receiving parenting support early on may have prevented Child B's mother from going to prison, and avoided the snowballing costs of safeguarding interventions necessitated down the line.

Child C

Child C was moved through a series of emergency and longer-term foster placements after their mother was given a custodial sentence for possession with intent to supply. These placements were short-lived and exposed Child C to risk from others in the care setting, resulting in drug use and risky behaviours. Child C returned to living with their mother after her release and was under child in need (CIN) planning during this period. Currently, Child C is in a residential care setting in Essex where they were moved due to a breakdown in the relationship with their mother. The placement offers therapeutic care which social workers thought would benefit Child C and the case was for them to be placed there despite such placements being oversubscribed and costly. While there, Child C attends mainstream education on a reduced timetable and remains at high risk of exploitation and of absconding from the placement. Further detail provided by Child C's social worker is presented in Fig. 3.

The nature of the mother's offending meant that a custodial sentence was likely, and with no relatives to care for Child C in their mother's absence, a care placement was unavoidable. However, an offer of tailored support to Child C from a specialist organisation working with children affected by parental imprisonment could have helped her to navigate her emotions and cope with the trauma of separation, mitigating against some of the adverse impacts she experienced. Specialist training for social workers on the impacts of maternal imprisonment may also have helped those working with Child C to provide tailored support.

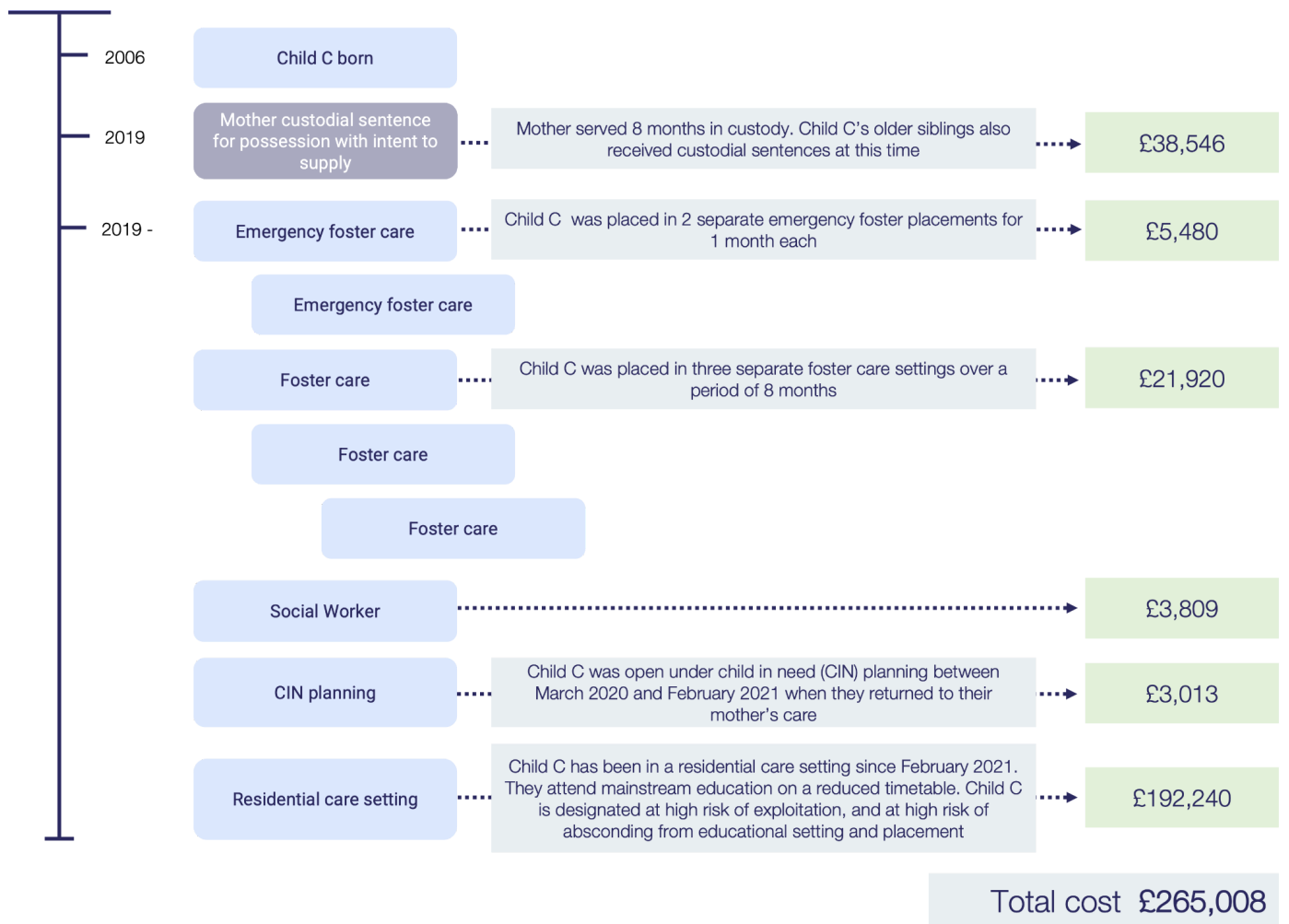


Fig. 6. Timeline showing the accumulative cost of interventions for Child C linked to mother's imprisonment

4. Interventions: mitigating the costs of maternal imprisonment

The two previous chapters have explored the costs of maternal imprisonment on mothers and on children, which have a life-long impact on them and a significant cost to wider society. This chapter looks at how these costs can be mitigated by greater understanding of the journey of mothers into the criminal justice system and key points of intervention that are currently being missed. The stated aim of the government's Female Offender Strategy is to 'reduce the female prison population' with a determined shift in emphasis from 'custody to the community'. Crest's research found that diversionary schemes and community orders are currently failing to sufficiently support the specific needs of mothers, and that judges and magistrates are not doing enough to ensure that current sentencing guidelines around sole and primary carers are being adhered to.

4.1 Mothers' offences are often linked to their children

Practitioners working with women in the criminal justice system suggested that from their experience there were two broad categories of mothers who offend. The first were mothers whose offence could often be linked to poverty and the need to provide for their children – benefit fraud, theft or shoplifting, council tax fraud, or non-attendance of their child at school. These women are largely caring for their children at the time of sentencing and therefore prison is the first time they are separated. The second group, which practitioners considered to be the larger cohort – were mothers with substance misuse issues whose offending was linked to the need to fund their habit - which could include theft, assault, burglary or fraud. Typically, they suggested, these mothers would have lost care of their children some time prior to receiving a custodial sentence. Mothers interviewed by Crest spanned both groups, but there were also those who had committed a crime under duress of an abusive partner, in self-defence against an abusive partner, or who were convicted of involvement in a crime their partner had committed.

"So with the mums I've had so far, their offence is usually around money. So, acquiring money because they can't afford stuff or their ex-partners aren't paying child maintenance and they're struggling, basically. That's usually been the main sort of underlying cause of the offence...If mums lose the children prior to committing an offence, then the offence is more around drug abuse. So, they'll turn to drugs or alcohol, which then causes them to offend." Community Offender Manager, Hampshire Community Rehabilitation Company (now NPS)

"I lost my partner 10/11 years ago and I was bringing up my three kids. It was coming up to Christmas and I was finding that I didn't have enough money, so I needed some extra cash. I got asked to look after some money, it was all sealed, but it turned out to be half a kilo of cocaine." Clare, Mum

"When [my] mum died I was suicidal, I didn't know what I was going to do, and he gave me heroin, and I took it. He says it'll make me feel better – I didn't have a clue what I was getting myself involved in. Anyway, for a little while I had savings and stuff and my job. Eventually I wasn't going to work because the drugs were getting worse and worse, I spent all the savings. He knew a gang of people that were going out doing fraud, stealing bank cards, and he says 'go out with these'. I was the stupidest one out of the lot of them, I was going in with these cards and taking money out of the bank accounts. On camera." Carly, Mum

"I married him when I was 16, it was an arranged marriage. I had very serious domestic violence issues...I had four children and my kids were very young but I managed to get a part-time job doing money lending. I loved it, it got me out...I found independence and freedom. My husband took advantage of me, saying 'give me loans'. It became an everyday thing then it just got to the point where I just gave in, he was very forceful. I used to say 'it didn't go through' and make up things but eventually he clicked on that I wasn't cooperating with him. I used to get beaten up, he was so in control of everything. Eventually I gave in and took the money.... I didn't take one penny, it all went to him." Amira, Mum

"Benefit fraud, that's a big one with mums, quite often that comes back on the mum. And we still get it - and it makes me cross – is the one with education. There's a bracket around shoplifting, but that tends to be more the higher risk mums not in terms of their offending behaviour, but in risks to their children. Shoplifting tends to go with substance misuse, unfortunately, and it's usually social services involved." Probation Services Officer, Southampton

PROBATION DATA ON WOMEN WITH PARENTAL RESPONSIBILITY

The South Central region of the Probation Service provided Crest with data on its female cohort from September 2018 to August 2021, allowing for an analysis of offence type, sentence type and offence length for those who had been recorded as having parental responsibilities.

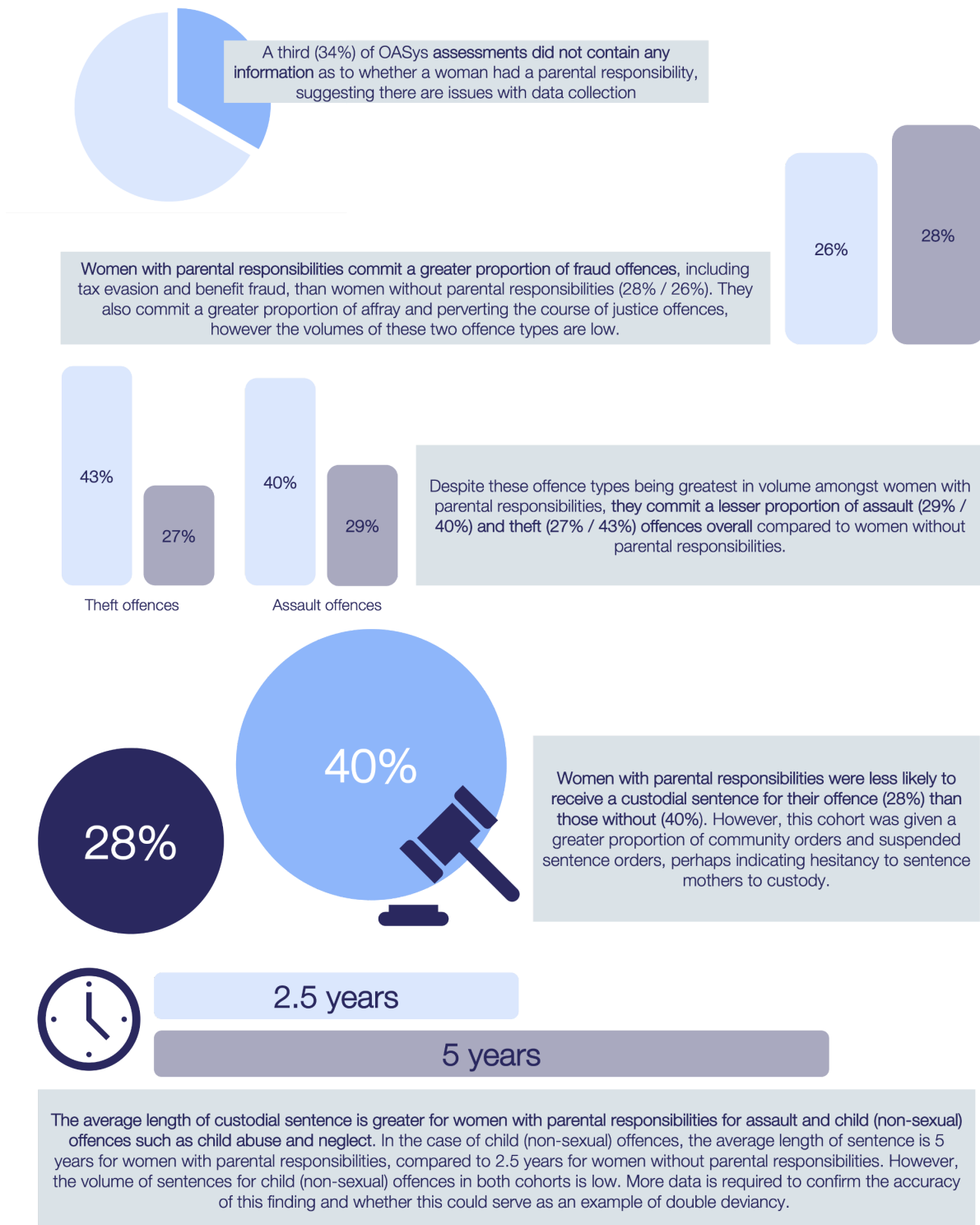


Fig. 7. Infographic on the offending and sentencing decisions relating to women with parental responsibilities in the South Central region of the NPS, September 2018 - August 2021

The removal of a child by social services can be a trigger for offending

Several practitioners identified the point at which mothers had a child removed by the local authority as a critical moment that often acted as a trigger – either pushing them to use drugs or alcohol for the first time or to escalate their use - which then led to offending behaviour. Losing a child also meant sudden loss of, or reduction in, benefits which could push some mothers into poverty.

“The loss and grief of their children being removed from their care often sparks drug and alcohol use. Even if drug and alcohol use wasn’t a prevalent factor in the removal of their children, you know, women find ways to cope...with grief. You’ve then got to feed that habit and your benefits is not going to do that, so they start looking for an alternative income. They lose any self-esteem or sense of confidence. They’re just in real ‘fuck-it’ mode.” Pause Practitioner, Southampton

“You see quite a lot of women who, once their children are taken away from them into care or fostered or with their father, that they just spiral. I’ve got one female at the moment - her offending and drug misuse only started when her relationship broke down and her children were removed. You can literally pinpoint it so clearly, and she’s like, ‘Yeah, I got my children taken away, my relationship broke down. And that’s when I started offending, that’s when I started my drug misuse.’” Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

“Before a woman has gone to jail there’s already been social services involved and children have been removed, and it’s then when they will press that ‘fuck-it’ button and just don’t care, they just lose all hope.” Pause Practitioner, Southampton

“We had an offender who’s young, in her early twenties, and she’d had five children removed by social services and still had the odd contact with her mum, who had custody of some of the children, but in the need for validation and affection and emotional connection then either misusing substances to deal with the hurt.” Probation Services Officer, Southampton

“They’re often at varying stages, they’ve either already lost them some years before and they’re just absolutely traumatised by that loss, and that’s made the drug problem worse and everything worse, or they’re in the process of losing them. So, they might still have, for example, contact with them once a week, twice a week. If they go to prison, obviously they can’t do it, And that’s when it kind of falls apart.” Defence Solicitor, Hampshire

Practitioners suggested that the lack of support available for mothers following the removal of a child was a missed opportunity to prevent future involvement in the criminal justice system. They described the time and resources spent by social services when they became involved with a child to support the family, understand the backgrounds of the mother and father and give them

opportunities to seek help and keep their children. However, where this ultimately ends in the removal of that child, that time and resource moves with them, leaving parents – more often mothers - with no support to cope with their loss.

“When social workers go to court and say we want to remove a child, we look at the adverse experiences that the mother or father has had as a child and try to evidence how we’ve reached this point. My biggest issue is that we do all of that work and then when we’ve reached that end point, something happens for the child, but nothing happens for the mother. So, she’s gone through all of that challenge of being assessed and telling her story, we get to the other end, and somebody says ‘well, you can’t have your kids back because you need two years’ worth of Cognitive Behavioural Therapy (CBT) for you to be emotionally balanced to respond to children, but no one gives them that two years’ therapy, and they don’t know where to go to get it. What are they supposed to do?” Pause Practitioner, Southampton

“I’ve worked alongside colleagues who’ve said ‘Well once the care order’s granted she won’t be your problem anymore, because you know, you’re only working for the child, not her. And we are Children AND Family services, but really it’s Children and Family Services up until the local authority’s got the full responsibility.” Pause Practitioner, Southampton

Mothers felt that social services had not done enough to support them when they were struggling with domestic abuse, substance misuse or other issues.

“I was so angry at social services, because you know, I felt like they could have worked with me or they could have helped me around the domestic violence issues, around substance misuse. But they didn’t. They came into my house at two o’clock in the morning, social workers and police officers, and my mother took her out of bed.” Carly, Mum

“They’re not a service I would pick up and ring and ask for help. They’re the last people on earth I would ever ask for any guidance or support.” Mica, Mum

PHOENIX @ PAUSE SOUTHAMPTON

The national charity Pause works with women who have experienced, or are at risk of, repeated pregnancies that result in children needing to be removed from their care. Its model is predicated on trauma-informed, intensive relationship-based practice, driven by women's own perceived needs and priorities. Practitioners work closely with women to 'stabilise lives' including support with having contact with their children, improving physical and mental health and well-being, finding and maintaining suitable accommodation, reduction in substance use, tackle offending behaviour and support with the effects of domestic abuse – the support is tailored to the woman and focus on her needs so will be different for each individual. In 2018 Southampton City Council's public health team recognised the need to provide support for women in the city who had experienced the removal of a child, and developed a business case for what became the Phoenix project which provides support post care proceedings to mothers who have experienced the removal of two or more children. The project currently receives funding from the Department for Education via Pause.

In October 2020 Pause produced a scoping document to assess the level of need in Southampton. This found that 168 women in the city had a total of 286 children removed in the previous two years. Of these 72 had more than 2 children removed. In both cohorts around 30% (31% and 29% respectively) were involved in the criminal justice system.

The Pause programme is controversial for some because to benefit from its intensive casework model, women were initially required to commit to some form of long-term reversible contraception, which the charity says gives women the space to focus on their own needs. This has now been relaxed and is something which is recommended to women rather than required. However, other local authorities provide a similar intensive casework model to women who have experienced child removal without this requirement, such as Hampshire County Council's Acorn project, set up in 2018/19.

4.2 Mothers who have experienced child removal face specific challenges in the criminal justice system

Baldwin describes the experiences of criminalised women who have had children removed from their care as 'invisible motherhood'⁵¹. Crest's research also found that these mothers were also invisible in the criminal justice system. This invisibility operates on two levels. As Baldwin suggests, they hold deep shame about having had their children removed from their care which means it is unlikely that they will disclose that they have children to professionals and may even lie when asked about having children at all. In addition, when routine questions and assessments ask about 'dependents' or 'parental responsibility' in order to determine parental status, they may rightly answer 'No'. It is therefore likely that there is a significant cohort of women in the criminal justice system whose motherhood remains invisible, with the result that the underlying trauma of child removal – which may be strongly linked to their offending

⁵¹ Baldwin, L (2021). *Motherhood Challenged; Exploring the Persisting Impact of Maternal Imprisonment on Maternal Identity and Role*. De Montfort University

behaviour – is not being factored into sentencing decisions, supervision plans or sentence plans.

There is a strong disincentive for mothers who have had children removed from their care to disclose maternal status. Double deviancy theory argues that female offenders are punished not only for the crime they commit, but for breaking from societal and feminine norms. For mothers who offend, another layer of punishment is applied in what Baldwin names ‘triple deviancy’⁵², with their offence being seen as even worse because they have also deviated from motherhood norms.

“I think it puts them in an adverse light if they’ve already had their children taken away from them.” Magistrate, Hampshire

“I find if you're from the right background, and you still got your children in your care, then it's an incredibly powerful thing of mitigation and it often will keep you from going inside. But if you're in that other camp where you've got a drug problem, and you've already started to lose the care of the children, then I find that there's very little allowance made for it then, because it's almost like, well, it's almost like you're a bad egg. They're probably better off without you anyway.” Defence Solicitor, Hampshire

Practitioners suggested that it was important that Pre-Sentence Reports provided the full context around the removal of children, so that the court was able to understand the background of the mother and the circumstances that had led to the child’s removal.

“If it says in the report that, a couple of sentences ‘Mother to four children who are no longer in her care’ you would make the assumption that, well, she must have done something horribly wrong for social services and the court system to say ‘you can’t care for your children’, whereas if there was some context around that – ‘mother was exposed to x, y, and z’ – you can see how that pattern has formed...even patterns of being involved in domestically violent relationships...that’s a pattern that’s really hard to break.” Pause Practitioner, Southampton

“I think it could be useful to bring out the circumstances a bit more, under which the children may be have been removed....Knowing what’s happened previously, with regard to the children, and now, might be an interesting piece of information that would add a bit more of a dimension so that people don’t take it simply that the children were taken because it was a failure on the mother’s part. It may be that she was with an abusive partner...it’s those sorts of circumstances around the role of the mother that make a difference.” Magistrate, Hampshire

⁵² Baldwin, L (2021). *Motherhood Challenged; Exploring the Persisting Impact of Maternal Imprisonment on Maternal Identity and Role*. De Montfort University

Mothers who have children in local authority care, or who are living with family members due to their substance misuse, are also disadvantaged by the current sentencing guidelines which require judges and magistrates to consider the impact on children only where the mother is sole or primary carer. As several practitioners identified, there are often circumstances where this is no longer the case, yet mothers still have regular contact with their children under orders or agreements with family, and there may even be plans to return the child to the mother. In these instances, a custodial sentence would end that contact yet there is no guidance for judges and magistrates to consider this.

"I was going through the risk assessments to have them back, which were going really well. And then three months in, they came and arrest me.....So then I couldn't proceed with the family court because I was on bail for fraud. The person that really impacted was my daughter, who was about to turn 16 and would have come to live with me."
Anna, Mum

"The scenario we're often in is, [...] they're already partly in care or have been taken into care. And then I find that [the court] doesn't really give it any allowance at all. And it's almost like, Well, you've already shown that you're not a very good mum. So, you know, we're not going to make any allowance for the fact that you were having contact, you're not going to have it now." Defence Solicitor, Hampshire

"I'd go quite regularly round to the house [to see my daughter] and for me to then just disappear for months and months and months. She's gone from seeing me two, three, four times a week, taking her dancing and swimming and stuff, to just be taken away, you know it's not good at all." Carly, Mum

4.3 Diversionary schemes and community orders aren't centering maternal identity as a rehabilitation asset

Fear of social services is preventing mothers from seeking help before they reach court

Out of Court Disposals given by police in lieu of a charge, and Community Orders or suspended sentences handed down at court, are both intended to offer opportunities for offenders to access interventions that avoid a custodial sentence and prevent reoffending. Crest's research found that, currently, neither option takes account of the specific need of mothers, whether they have care of their children or not.

Hampshire's Women and Desistance Engagement programme (WaDE) run in partnership with the Police and Crime Commissioner and Hampshire Constabulary, aims to tackle the root causes of female offending with a gender specific approach to conditional cautions. Currently the programme only runs in one pilot local authority of the 13 in the police force area, but will

soon be rolled out county-wide. Participants attend two group workshops delivered by trauma-informed practitioners which are designed to help women manage the effects of trauma. They are then signposted to additional support on request, with issues including debt management, which is provided by other local organisations. During the two workshops, participants discuss the nine pathways to offending which include drugs, alcohol, accommodation, family and relationships, finance, benefit and debt, mental and physical health, attitudes, thinking and behaviour, education and employment, domestic abuse and sex work.

WaDE reported that of the three cohorts they have run in the pilot, 27 out of 52 women who completed were mothers. However, although family and relationships were discussed in group sessions, maternal identity and issues related to motherhood weren't specifically explored with mothers in the group. A practitioner explained that during group sessions it was unlikely that mothers with drug or alcohol issues, or experiencing domestic abuse, would disclose they had children due to a fear that this would lead to social services involvement. Safeguarding requirements place a duty on practitioners to contact social services if they are made aware of such scenarios, putting up a barrier for mothers in need of help to ask for it.

"I've had females who've said to me, I do want the help, I want to ask for help, but I'm afraid I'll have my children taken off me." Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

Community sentences are failing to recognise and support mothers' specific needs

Many of the mothers Crest interviewed had served (sometimes multiple) community sentences before they received a custodial sentence. Community sentences have rehabilitative conditions, curfews, or unpaid work attached, based on information about the individuals' criminogenic needs and the recommendation of probation staff included in the Pre-Sentence Report. Previous research has highlighted a lack of confidence in community orders among judges and magistrates, supported by practitioners interviewed by Crest who suggested that community orders were not working to effectively address the needs of women, particularly those who are mothers.

"They could have done more in the community to avoid me going to prison and to address all the things that I was struggling with." Carly, Mum

"They offend lightly, they're not looked at properly because it's not a serious offence. They then don't comply with whatever the order is because they've got chaos going on, maybe they're in an abusive relationship, maybe they're going through social services stuff and their children are being taken away from them, so they're not focused on probation. They then breach that order and it's come back as someone who's not bothered to comply. They get sentenced again and it very quickly looks like they're purposefully not complying when actually, no one's had a serious sit down with them and explained what's going on." Probation Services Officer, Southampton

"I don't think there are adequate interventions in the community that are suitable for women. Quite often women who do end up having to be put into prison might have been serial shoplifters with 300 crimes, let's say, all of which may have been really, really low level. But because they've gone through some of the other measures, and working with probation or not, then you've come to the end of your sentencing opportunities in the community." Magistrate, Hampshire

"I told them this in court, I said 'For me to go to my [probation] appointments I need some sort of support. You're just putting me back on the street. What's the point of putting me out on the street, telling me to come to an appointment, when I'm gonna be living on the street, stopping here, there and everywhere where there's drug users. It's just not gonna happen. But they wouldn't listen to me. It just went round and round and round." Naomi, Mum

"[The women] would be the first ones to say that, and often do say that, you know, I wish I had this before I came to prison" Specialist Officer, Therapeutic Community, HMP Send

Probation staff spoke of the challenges of supporting women on community orders and suspended sentences, when often there was only time available for weekly or monthly appointments. They stressed the importance of getting the right balance of interventions, as too many would become overwhelming for the woman, ultimately undermining compliance. It was sometimes felt that the interventions attached to community orders were too generic and not sufficiently tailored to women's individual needs.

"When they're on a community order, you'll probably see them, face to face with your probation officer, for probably about half an hour to an hour, minimum once a week. Some people, we only speak to every four weeks. So it's that lack of contact. Sometimes I'm like, well, are they actually getting the help they need? Sometimes I'm like, I speak to you for half an hour in a week, what are you doing for the rest of the 99.9% of the time? Because we just don't know." Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

"Sometimes I've seen, with women, that it is very generic, you know. Say they've got community order, they'll go and see anger management, they'll go and see self-awareness, and that's what they've done. But it's really tailoring it to what they need." Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

"There are therapeutic communities that aren't in prison, but the trouble is with them, they tend to be one thing like alcohol or drugs or things of that nature." Specialist Officer, Therapeutic Community, HMP Send

Practitioners spoke of the importance of maternal identity in a mother's engagement with services and her compliance with a community order. Whilst there is currently no training for probation staff on working with mothers, guidance has been made available on the staff intranet⁵³.

"You can set up a beautiful order for somebody, you can make sure that everything they need is set up in place. But they may not be at the stage where they can accept that or they can be in denial with that. So it can be quite difficult, especially with some of the riskier cases, when they get their children taken away from them, it's kind of like they've got that attitude of 'Well, I don't have my children now so what do I have to live for? You know, I don't have my kids that I've had for, like, years previously. And now I don't have that strong protective factor in my life'. Yeah, that's really difficult." Community Offender Manager, Hampshire Community Rehabilitation Company (now Probation Service)

"With a lot of our repeat offenders – these are people who don't have contact with their children, they've lost contact with their children – and then they get into a cycle of substance misuse, they haven't got accommodation, so without accommodation and regular support, they're not going to be able to get stable enough to have contact with their children to give them a reason and give them purpose, because their purpose is 'Mum'. Children are very much their identity even if they made what we might not call the right decisions." Probation Services Officer, Southampton

"When [being a mother] does come up and when [interventions are] available it's 'You're a bad person and you need to do this' and that doesn't necessarily inspire compliance. And that's particularly true with compliance regarding domestic abuse programmes." Probation Services Officer, Southampton

The lack of effective interventions in the community can leave judges and magistrates feeling they have no option apart from a custodial sentence, despite the recognition that short sentences will not prevent future reoffending. One mother, Naomi, recalled pleading with the judge to send her to prison for a longer period so that she could get the support she needed.

"I was that bad on the drugs that once I asked the judge to sentence me to longer, because I just wanted to get off drugs, and I felt prison was the only place I felt safe, clean and stable." Naomi, Mum

"Custody isn't going to help at all but frequently you've just got no alternative. That's the problem. You've got four options. Discharge – that's not inappropriate [for a serial shoplifter]. You've no money to pay a fine. Community sentence – mental health, drug rehabilitation and alcohol treatment – that isn't available. Can't have curfew for various reasons, so you've got no options. That's what I call custody by default. There's very

⁵³ 'Lite Bite: Supervising Mothers' by Dr. Lucy Baldwin, available on Probation Service intranet

much a postcode lottery (as to whether these treatments are available)...You're sending them to custody in the full knowledge it is going to do no good at all - it's going to cost the country a fortune, it's going to disrupt them, it's going to disrupt everybody, but you've got no other options." Former magistrate (retired 2020)

"If [Community Sentence Treatment Requirements] are not available, that has two implications: the magistrate won't sentence them to it because it's not there, and probation won't put it in their report because it's not available as an option, so there's no point." Former magistrate (retired 2020)

Some prisons are beginning to offer intensive trauma-informed support, but availability is limited

Women's prisons currently run two main trauma-informed courses for women that can be included as part of their sentence plan. Healing Trauma was developed at HMP Send but has now been rolled out across the female estate. This six-week course comprises six 90-minute group sessions of up to 10 women, peer-facilitated with support from specially trained prison staff. It aims to empower women to manage the symptoms of trauma that can manifest themselves as offending behaviours. The course is in high demand, with around 30 women on the waiting list at HMP Send at the time of writing. Mothers who had been on the course were positive about the impact it had on them.

"Thankfully, I did the Healing Trauma programme, which was absolutely amazing. I think that was, in all the offender behaviour courses, everything I've seen and I've been involved in, like 'building skills', I've always just thought is flipping pointless. For me, it's a load of crap. The only thing that has ever benefited me was the Healing Trauma programme. It was just like, all pieces of the jigsaw come together, like the understanding of how the things that happened as a youngster, the domestic violence I witnessed, you know, those adverse childhood experiences, how that was then linked to the mental health, the domestic violence I was putting up with, the substance misuse - all those things. It really gave me a good understanding of myself." Carly, Mum

Those on longer sentences can also access the Therapeutic Community at HMP Send - an 18 to 36 month course which sees women move to a specific wing of the prison to receive intensive support from a team of specially trained staff and psychologists. A practitioner from the Therapeutic Community described how motherhood was central to the issues it explored with residents.

"A lot of the women we have, have been involved in social services, they either had their children taken off them or basically they are with their partner, for example. And one of the things we are dealing with a lot of the time is the family unit and the splitting up of the family unit. The majority of women we have are mothers in some capacity." Specialist Officer, Therapeutic Community, HMP Send

Because the Therapeutic Community is only available at one prison, this can mean mothers who need the support it provides will not want to move from their current prison in order to join, as this is likely to disrupt contact with children due to increased distance. The number of women that can benefit from this intensive model remains relatively small.

One Prison Offender Manager felt that most of the other courses available to female prisoners such as those around ‘thinking and behaviour’ were designed for men, and described the support she felt would typically put in a sentencing plan geared towards a mother.

“It’s a combination of perhaps we need things like counselling for mental health services, we might bring on a PACT mentor - so somebody else who’s a mum who’s been through that themselves. We’d look at individual plans in terms of what we deliver during our supervision sessions, so it might be that we look at that reflective work with them, identifying the triggers for their trauma, how they felt about it. Because a lot of our women have been separated from children prior to their custodial sentence, so it’s actually about looking at that as a journey. It’s linked to everything that happened after that and prior.” Prison Offender Manager, HMP East Sutton Park.

In August 2021 Crest conducted a nationally representative poll of 2573 members of the public to understand public attitudes to maternal imprisonment. 58% agreed that mothers should only be given a custodial sentence for a non-violent crime if no other option is available, whilst 60% supported mothers being ‘given support in the community to stop offending without going to prison’.⁵⁴

Participants were also asked for their views on the 500 new prison places for women announced by the government in January 2021 at the cost of £150 million. 56% agreed that funding should instead be used for womens' support services, such as women's centres.⁵⁵

“If we said tomorrow ‘Let’s not send women to prison anymore unless they’ve done something really terrible, let’s put them in the community.’ You would probably clear out the majority of women in prison and therefore you could direct funding to the community provision. And that’s what needs to happen...If there were women’s centres there as part of community provision all of the time, these women might not have gotten involved with the criminal justice system in the first place.” Project Manager, Hope Street, One Small Thing

⁵⁴ See Fig. 15. In Appendix C

⁵⁵ See Fig. 17. In Appendix C

WOMEN'S CENTRES

Baroness Corston's 2007 report called for a network of women's centres across the country to provide women with tailored support around their individual needs, with referrals from a range of agencies including schools, general practitioners, probation, prisons, police, courts, the CPS - as well as self-referrals. She envisaged them being used as court and police diversions, as part of a package of measures for community sentences, and for delivery of probation and other programmes. The Government's Female Offender Strategy (2018) also highlights the importance of women's centres, calling on Police and Crime Commissioners and other local agencies to fund them. There are currently 50 women's centres across England and Wales which aim to provide gender-specific, trauma informed approaches to women including support with domestic abuse, mental health, homelessness, substance misuse and involvement in the criminal justice system.

Hampshire currently has no such provision. However, prior to unification with the Probation Service, the Hampshire Community Rehabilitation Company (CRC) provided women-only spaces it referred to as 'women's centres' for female offenders at six locations across the county, operating one day a week. Renting out space in settings such as community centres, the CRC brought in specialist services to support women under its supervision at these locations. At the time of writing it is unknown how these spaces will continue to operate under the unified Probation Service, however practitioners emphasised the need for a permanent, physical women-only space in Hampshire which would provide support for women whether they were involved in the criminal justice system or not, acting as a preventative intervention as opposed to the probation model which only supports those who have already offended.

"There are no actual dedicated women's centres anywhere in Hampshire. [The ones by the CRC] some of these were ok, some were quite successful but others weren't because the venue they were using was being used for so many other things. Some of the women I've spoken to who've used the CRC's women's centres have said 'The thing is, a couple of them are awful because we're in the room doing our women's stuff and you've got a bunch of guys waiting outside because the room is being used on a Tuesday afternoon for their keep fit sessions.' Project Manager, Hope Street, One Small Thing

A report by the Women's Budget Group estimated that a place at a Women's Centre ranges from £1,223 to £4,125 per woman depending on needs, whilst a place in prison costs £52,121. It estimated that £2.84 is saved for every £1 spent on women's centres, with modelling suggesting that one centre made a saving of £18 million over 5-years.⁵⁶

⁵⁶ Women's Budget Group (2020) *The case for sustainable funding for women's centres*

4.4 Judges and magistrates are not doing enough to ensure that current sentencing guidelines related to sole and primary carers are adhered to

Recommendations in pre-sentence reports are not always being used effectively in sentencing

Practitioners raised concerns that judges and magistrates are not following the recommendations of pre-sentence reports when sentencing mothers. In addition, many of the mothers spoke of the assurances they had received from probation staff and their defence solicitor that they were unlikely to receive a custodial sentence because they had strong mitigating factors including their maternal status, nature of the offence or first offence and good character references. As a result, many had not made adequate preparations for a custodial sentence including organising financial or housing affairs, making arrangements for the care of their children or – as highlighted in the previous chapter – even saying goodbye to them.

“In terms of the PSRs which are more complicated, the ones with mothers, there might be mental health, there might be stuff to do with children and their care, there’s a joke in courts that people will just skip to the end of the report, the proposal. It is a concern that the sentencers don’t read the reports properly and miss any relevant things if it’s not drawn attention to.” Probation Services Officer, Southampton

“[My solicitor] said you’re a single mum, you’ve got a completely unblemished record, there was no way I was going to get a custodial sentence. They made suggestions to the court that they felt that a custodial sentence wasn’t appropriate but that was ignored, that wasn’t even taken into consideration.” Sarah, Mum

“I had a full pre-sentence report [saying] no way should I go to prison, I should be referred to Wiser, which is a women’s organisation, I should be maybe put on tag, I should have to work with a women’s organisation for two years because of the abuse that had been documented. I don’t even know why they do them reports because the judge didn’t even make me aware that they’d seen that and it was such a strong report.” Anna, Mum

“So, the judge just ignored everything that the probation worker said. My solicitor looked at me and turned around when he said three years I was like, Does he know me? Has he read about me? Has he got to know me? I was just utterly shocked.” Anna, Mum

Magistrates highlighted that Pre-Sentence Reports were only as good as the information in them.

“Pre-sentence reports depend on what the probation officer puts in it. A bench of magistrates would assume that the defence advocate and the probation service have put in what they think are the salient points. And I would have hoped that children and other dependents are a major factor in deciding the appropriate sentence but it can’t be guaranteed. You don’t know what you don’t know.” Former magistrate (retired 2020)

The Probation Service provided Crest with data showing the consistency between sentencing recommendations in Pre-Sentence Reports and sentences handed down by judges and magistrates in all courts, known as concordance, across the South Central region from March 2019 to February 2020 and from September 2020 to August 2021, allowing for the exclusion of the time period impacted by COVID-19.

In both periods combined, a third (33%) (n.3866) of pre-sentence reports for all men and women did not have a matching OASys assessment, which provides information on a defendant’s criminogenic needs.

The figures show that for both men and women, Crown Courts are much less likely to follow PSR recommendations than Magistrates’ Courts. In terms of women with parental responsibilities, Crown Courts handed down a suspended sentence in 76% of cases where a community order was recommended, compared to 18% in the Magistrates’ Court.

CONCORDANCE BETWEEN PRE-SENTENCE REPORT RECOMMENDATIONS AND SENTENCING

Across both periods, concordance in the Crown Court was significantly lower than in the Magistrates' Court for men and women, regardless of whether they had parental responsibilities or not.

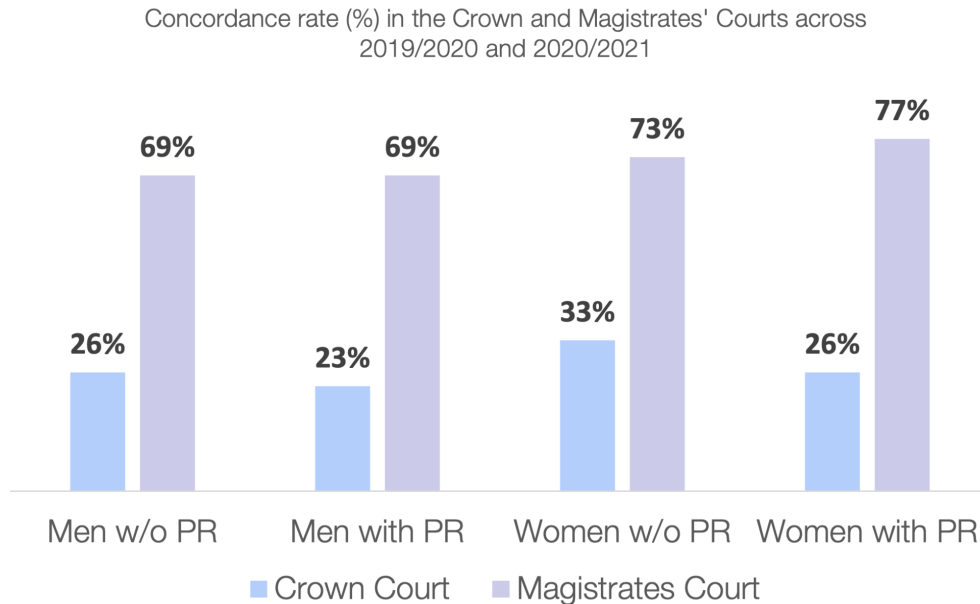


Fig. 8. Concordance rate by court type, gender, and parental responsibility in the South Central region of the NPS, 2019/20 and 2020/21

In 2020/21, with cases where a community order is proposed, the concordance rate in the Crown Court is lower for women with parental responsibilities than those without. These proportions, however, reflect a low volume of cases.

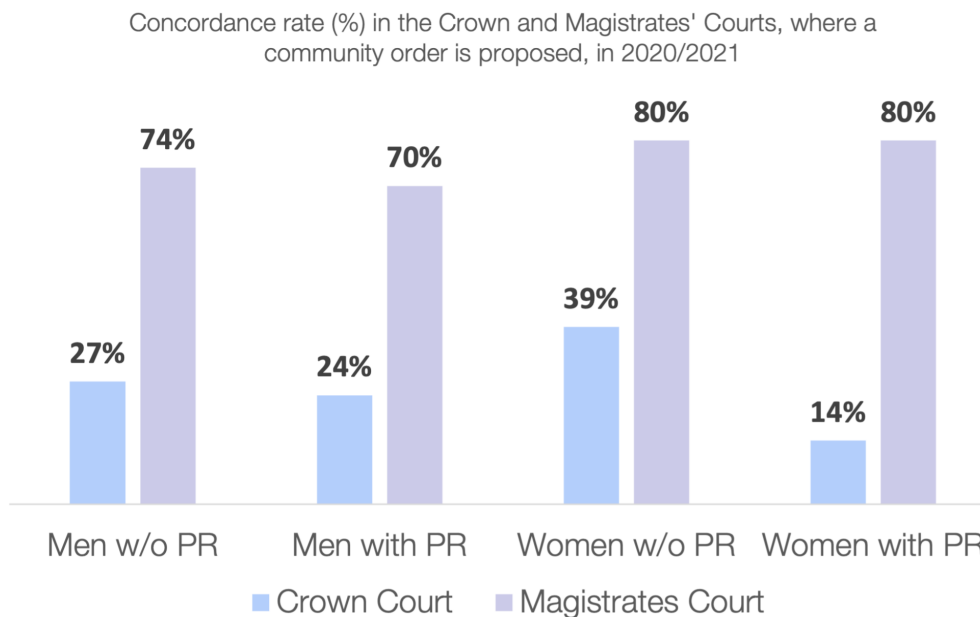
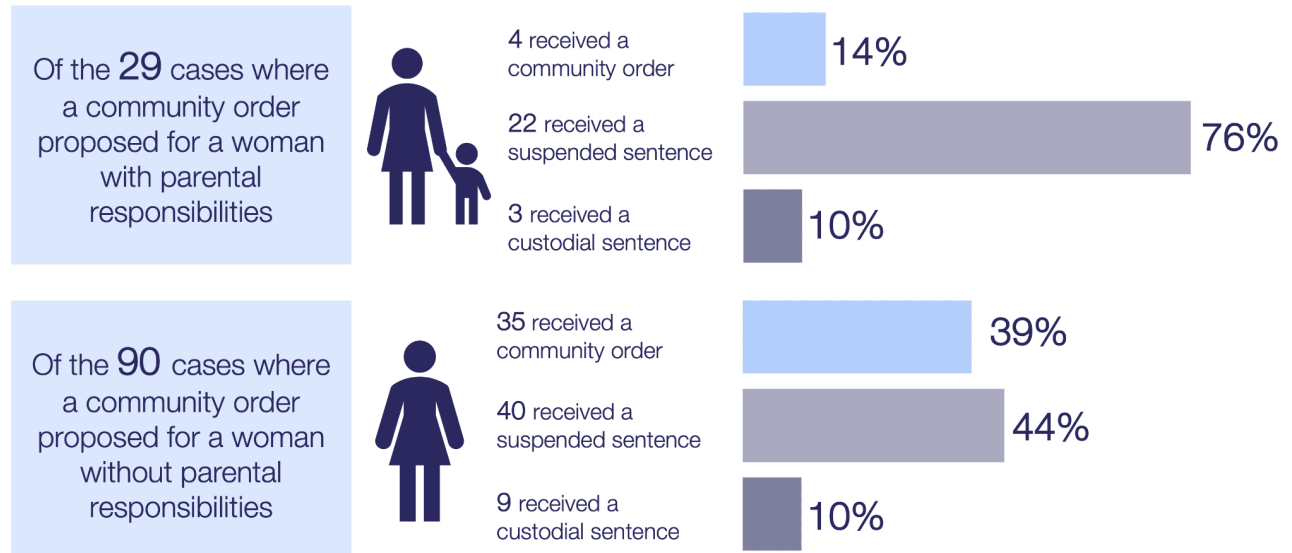


Fig. 9. Concordance rate where a community order is proposed by court type, gender, and parental responsibility in the South Central region of the NPS in 2020/21

In 2020/21, the Probation Service provided a breakdown of proposed sentence vs. sentence handed down.

Crown Court



Magistrates' Court

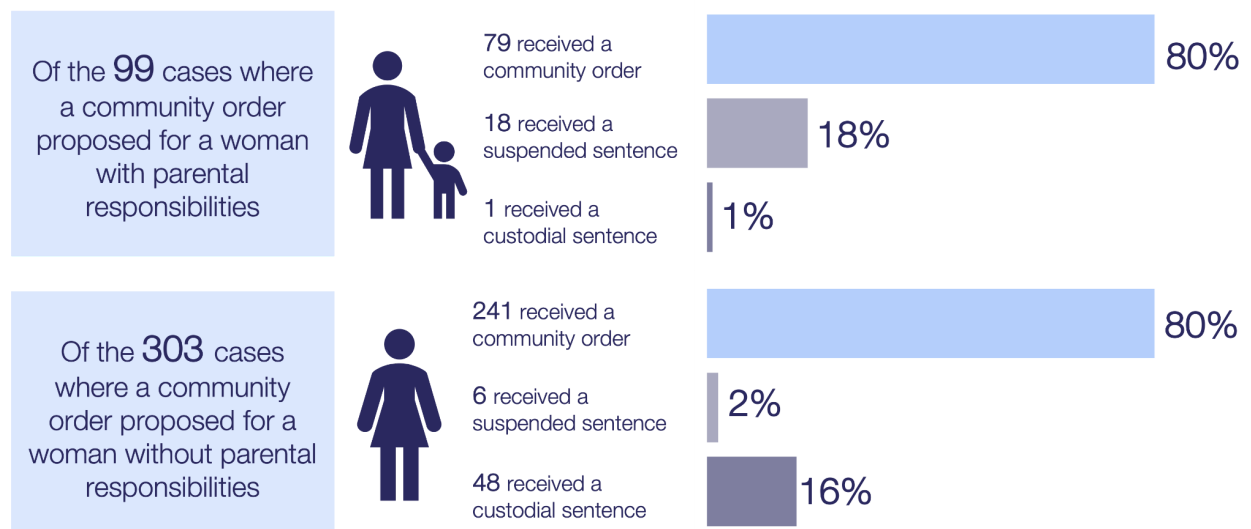


Fig. 10. Concordance rate for women where a community order is proposed by court type, order received and parental responsibility

Sentencers are not giving sufficient consideration to the impact on children of a custodial sentence for their mother

As well as the information in Pre-Sentence Reports, sentencers are also required to follow the sentencing guidelines around primary carers. In 2019 the Joint Committee on Human Rights (JCHR) concluded that in practice judges and magistrates do not consistently sentence mothers according to the guidelines or the principles established in case law. Research by Minson⁵⁷ suggests that some judges and magistrates simply do not understand their duty to consider dependent children in sentencing decisions, or else do not always have sufficient knowledge of the consequences for children of maternal imprisonment “to properly weigh that factor against other factors in sentencing decisions”, reiterating the need for detailed Pre-Sentence Reports. This was confirmed in Crest’s interviews with magistrates, who were not aware of any sentencing guidelines relevant to mothers and children, or of any specific training on the topic. Since 2018, the Judicial College has had training materials related to safeguarding children when sentencing mothers available on its Learning Management System, yet it was suggested that these would only be accessed by those with a specific interest rather than being more widely promoted. There was also a suggestion that some magistrates may be sentencing mothers based on the assumption that there is state support available for children of prisoners.

“I don’t know that there are any specific sentencing guidelines” Magistrate, Hampshire

“I don’t think [magistrates] are required by law or by sentencing guidelines to consider [the impact on children], but there’s the general guideline to consider impact on the offender themselves, their family and friends. I’m not aware of any specific thing to consider but any magistrate with any sense would consider [impact on children].” Former magistrate (retired 2020)

“Sentencing guidelines will say to take account of offenders’ personal circumstances but as far as I’m aware it doesn’t mention women, or mothers or children or anything like that.” Former magistrate (retired 2020)

“If I knew the defendant had children that would obviously be a major factor but I didn’t realise until recently that the state has no particular responsibility for those children. I assumed that [was there].” Former magistrate (retired 2020)

“I’ve been a magistrate since 2000/2001 I think. And I haven’t had any training about women-specific related issues. Or about women who are pregnant coming before you. So we haven’t had any of that training. I think it’s really important.” Magistrate, Hampshire

“If a magistrate wanted to receive training on that specific issue they could find somebody who would talk along those lines, perhaps going to the Prison Reform Trust,

⁵⁷ Minson, S (2020) *Maternal Imprisonment and the Rights of the Child*. Palgrave MacMillan

but as far as I'm aware it's not part of standard training in any way, shape or form."
Former magistrate (retired 2020)

Minson's research also uncovered double deviancy at play. One judge interviewed 'voiced the opinion that children might be better off without their mother in their lives' and that 'for some judges, their willingness to consider the impact of a mother's imprisonment on her dependents was linked to their judgement of whether the woman is a good or a bad mother'⁵⁸. Some mothers interviewed by Crest recalled comments made to them by judges at sentencing about their ability as mothers, whilst others recalled no reference being made to the impact on their children, with one mother sentenced despite her children only recently having been traumatised by the death of their father.

"It was mentioned in the summing up, just like "What sort of a mother does this? It was very much about 'you're a bad mum.'" Clare, Mum

"The kids served that prison sentence with me. They didn't have me, they'd already lost their dad." Rachel, Mum

"My daughter was described [in court] as uncontrollable sometimes. My parents, who were 79 and 75 at the time, would face great difficulty in caring for her because of their poor health, which was proven, and the risk would be that Ruby was placed into care. The judge was fully appraised of this situation and the very serious consequences of immediate imprisonment, but he had [no] regard to this." Fiona, Mum

Practitioners felt that the sentencing guidelines were too narrow, only considering whether children would have somewhere to live – such as a grandparent or father – rather than on the wider impact.

"It can very often literally be boiled down to, in the minds of some of the sentencers, Person A has committed an offence, she should have thought of the children before she did that and that's then putting the blame back on this person, refuses to give them any right to have any care about it whatsoever, cos that's all their fault and completely avoids the effect on the children. It's just literally will they be watered or fed." Probation Services Officer, Southampton

"As long as you know there is somebody looking after them, you don't go any deeper into the nature of that relationship or the psychological impact of the trauma that a child experiences from separation from their mother. I think we should consider broadening out the guidelines, because you're not just thinking about the individual who's the perpetrator, you're thinking about the impact on the children, and there is another impact on the wider society. You're disinvesting in the stability of your future society. If you're putting a child into a situation that's going to be traumatic, you'll reap the rewards

⁵⁸ Ibid

of that later. So I think we do need to take a more holistic approach.” Magistrate, Hampshire

Ultimately, mothers were clear that it was their children who had borne the greatest impact of their imprisonment.

“Did I deserve to go to prison? I deserved to be punished. But the only people that were punished were my children and my mother.” Rachel, Mum

“It was heart-breaking because I wasn’t getting punished...I’m an adult. It was punishing my children – what did they do?” Amira, Mum

“It’s the kids that suffer because they don’t take them into account enough. You know, by all means punish the person, but think about the children, and the effect it’s going to have on them.” Fiona, Mum

“The young people are hidden victims of the crime that they haven’t committed. Very often there’s lots of support services for victims of crime but in this case, very few organisations recognise that these children are going through something which is not their fault and they just fall through the net because the services are not offered to them.” Support Worker, NEPACs

Crest’s polling found that public attitudes towards sending mothers to prison were mixed. When considering non-violent offences that *could* carry a custodial sentence, and asked if finding out that a non-violent offender was a mother with a dependent child changed their opinion, just over a third of people (37%) said they would be less inclined to think a custodial sentence should be given. Just over a quarter (27%) said they were more inclined, and 36% felt the person’s circumstance shouldn’t make a difference to the outcome.⁵⁹ The proportions were much the same for fathers, with 26% of respondents more supportive of a custodial sentence, 36% against, and 38% believing it shouldn’t make a difference.⁶⁰ Surprisingly, whether or not a woman was pregnant made less of a difference than if they were a mother, with 45% saying this didn’t change their opinion.⁶¹

⁵⁹ See Fig. 12. In Appendix C

⁶⁰ See Fig. 13. In Appendix C

⁶¹ See Fig. 13. In Appendix C

5. Conclusion and recommendations

Calculating the costs of maternal imprisonment for mothers, their children and society as a whole, would be a far simpler task if it were possible to state that a specific number of children come into care directly as a result of their mother receiving a custodial sentence. But as we discovered in the course of this research, the lives of many of the women who are imprisoned as *mothers* are very often far too complicated to allow for such a simple calculation.

Mothers who are imprisoned may have had children taken into care *before* they were first imprisoned, and yet go on to have further children, who may also be taken into care, leading these women to hit what was described to us as ‘the fuck-it button’ - self destructive cycles of behaviour involving harmful drugs and alcohol use, often within the orbit of a toxic, abusive man.

Even when mothers who are imprisoned *do* manage to stabilise their lives to the extent they can make a credible case for their children returning to their care, the Kafkaesque bureaucracy they must navigate to secure basic accommodation which is habitable for a family, can be overwhelming.

Mothers are not identified in the criminal justice system and are therefore denied tailored support to help them maintain their maternal identity and continue relationships with children, both of which play a huge role in their desistance and rehabilitation, as Lord Farmer recommended. Calculating the economic costs of maternal imprisonment as it affects mothers or their children is impeded by the fact that none of the relevant agencies collect, share or report the necessary data.

But the impact maternal imprisonment has on children is most devastating. Sentencing a mother very often means children are paying the price, dramatically affecting the life chances of children who are often already vulnerable, costing the state greater sums of money for worse outcomes. Despite Lord Farmer’s clear message that familial ties must be a ‘golden thread’ running through the system in relation to children, this is not happening. These children are simply invisible to agencies within child protection and safeguarding frameworks which purport to address childhood trauma and adverse childhood experiences.

And despite the stated aim of the Government’s Female Offender Strategy to reduce the number of women imprisoned on short sentences for non-violent offences, mothers are still unnecessarily imprisoned and investment is made into the prison estate rather than appropriately resourced and robust out of court disposals which reduce reoffending by addressing their criminogenic needs.

Our poll, the first published polling on maternal imprisonment, shows that the public are supportive of much of the Government’s Female Offender Strategy. Voters want to see more investment in community sentences instead of more prison places for women.

In order to meet the objectives of the Government’s own strategy, there must be far greater awareness of the impact of maternal imprisonment across the judiciary, HMPPS, social

services, the NHS, education and agencies working with mothers and children. This awareness is only possible with the visibility at population level and at case level of maternal imprisonment through rigorous and consistent data collection and information sharing.

But first, in order to genuinely improve outcomes for mothers in the criminal justice system and their children, a whole systems approach is needed, aligning the behaviours and resources of agencies working with the highly vulnerable and complex families who are currently affected by maternal imprisonment.

Recommendations

We have set out our recommendations in three categories, reflecting the key findings from our research. Firstly, recommendations on sentencing and alternatives to custody to reduce the number of women imprisoned as mothers, secondly a new framework for joint working between government departments to support mothers and children when mothers are imprisoned and thirdly strategic responsibilities at police force level for local crime and justice boards, ensuring agencies are held accountable for their performance in reducing maternal imprisonment and supporting the children of mothers in the prison system.

A renewed focus on reducing maternal imprisonment through community alternatives to custody for women.

- **Funding for 500 new women's prison places announced in January should instead be used to fund women's support services**, such as women's centres.⁶² The government's Female Offender Strategy aims to reduce the use of custody and ensure that courts can have confidence in effective community sentences. Our research found public support for this, with 56% agreeing that this funding would be better used for community alternatives to custody.
- **The government should invest in the implementation of the Female Offender Strategy, including sustainable funding of at least £70 million⁶³ per annum for a third sector network of community-based Women's Centres** to provide holistic, women-centred services to all women in contact with the criminal justice system. This will help to ensure these women can access the support they need in their local community, improve the judiciary's trust in community sentences and prevent mothers from going to prison.
- **Mandatory training for the judiciary on the impact of maternal imprisonment and sentencing guidelines for those with primary caring responsibilities.** Our research echoes previous calls for greater understanding across the judiciary of the impact of maternal imprisonment on children and relevant sentencing guidelines.
- The Government should accept current amendments to the Police Crime Sentencing and Courts Bill (2021) to ensure Pre-Sentence Reports, bail and sentencing decisions all

⁶² See Fig. 17. In Appendix C

⁶³ <https://wbg.org.uk/analysis/the-case-for-sustainable-funding-for-womens-centres/>

consider the impact of a custodial sentence on children. This must include all situations where the defendant has contact with children, not just those involving primary or substantial care responsibilities.

The Ministry of Justice and the Department of Education should produce a joint strategy on reducing the cost of maternal imprisonment

The Government's Female Offender Strategy recognises the particular vulnerability of women in the criminal justice system - that their complex needs are different from those of men and require different responses. Whilst the recent HM Prisons and Probation Service (HMPPS) policy framework for pregnant mothers, mothers in Mother and Baby Units and mothers with children under the age of two recognises the specific trauma of maternal separation on mothers and children, the framework covering mothers with children over this age is currently gender-neutral and therefore fails to do so. A new joint strategic approach could encompass taking new shared approaches to address some of the key challenges:

- **HMPPS should produce a new policy framework** setting out mandatory requirements that address the additional emotional and practical needs of all mothers in prison and how prisons will support them to ensure improved outcomes for every mother and child affected by maternal imprisonment.
- **This strategy should include a Memorandum of Understanding setting out key principles** around the way both services work with mothers and children affected by maternal imprisonment, which should then be at the core of working practice. Our research has highlighted poor communication by social workers with mothers in prison, a lack of consistency in the way visits and contact are facilitated, and a lack of understanding of how the prison system works. The MOU would give mothers in prison and their children a stronger voice and a clearer understanding of their rights.
- **A social worker in every women's prison.** There is a clear need for the specific skills and knowledge of social workers to support mothers in prison, in particular to understand their rights and navigate local authority and Family Court processes related to the care of their children. The government should immediately fund the roll out of the current social worker pilot being run in two prisons by the Prison Advice and Care Trust across the entire female estate.
- **Intensive support for mothers who experience child removal.** Our research shows that for many mothers, having a child removed by social services can be a trigger for substance misuse or the development of unhealthy relationships that can lead to offending. Often, these mothers have histories of profound trauma themselves. Local authorities and HMPPS should ensure that women who have experienced the removal of a child are offered trauma-informed intensive support to help them move forward with their lives.

Local strategies to mitigate the impacts of maternal imprisonment on children led by Police and Crime Commissioners

Local strategies with underlying action plans should be developed by each Police and Crime Commissioner's are uniquely placed to bring together partners from across the criminal justice system as well as other key agencies including schools and social services through local crime and justice boards (LCJBs).

- **Regular monitoring of the number of mothers being given custodial sentences** to hold the judiciary to account for adherence to relevant sentencing guidelines
- **A package of training for professionals in schools, the NHS and social services** about the impacts of maternal imprisonment so they are able to identify and support children affected
- **Commissioning of specialist support for children impacted by maternal imprisonment**, to be offered to any child via referral from schools, the NHS, social services or any agency working with children. This should include an offer of a mentor
- **Representation from the nearest women's prison on every LCJB** to ensure better links with local partners to better support mothers on release

Appendix A

A list of the organisations and individuals interviewed for this research

- Hampshire Constabulary (Inspector, Out of Court Disposals)
- Defence solicitors (Shentons solicitors)
- Southern Health (Health visitors)
- Society of St. James (Integrated Offender Management House Manager, Alcohol and Substance Misuse Support Worker)
- NHS Liaison and Diversion Hampshire and Isle of Wight
- Phoenix Project @Pause Southampton
- Social workers at Hampshire County Council, Portsmouth City Council
- Community Offender Managers (x3) Hampshire CRC (now NPS)
- Probation Services Officer, Southampton
- Prison staff HMP Send (Prison Offender Manager and Specialist Officer, Therapeutic Community)
- Prison staff HMP East Sutton Park (Prison Offender Manager)
- WaDE programme manager (Hampshire Out of Court Disposal for Women)
- Family Engagement Workers at women's prisons (x8) (Focus Group)
- Children Heard and Seen (charity supporting children with parents in prison)
- Magistrate (Hampshire)
- Former Magistrate
- Time Matters (charity supporting children with parents in prison)
- NEPACs (charity supporting children with parents in prison)
- Ongoing liaison with Dr. Shona Minson and Dr. Lucy Baldwin – leading academics in the field of maternal imprisonment

Appendix B

A note on data

One of the primary aims of this research is to build the evidence base around maternal imprisonment by filling some of the data gaps around mothers in prison and their children, following the Joint Committee on Human Rights report⁶⁴ which highlighted the “*complete lack of reliable quantitative data on the number of mothers in prison, the number of children whose mothers are in prison and the number of women who are pregnant and give birth in prison*” urging that “*mandatory data collection and publication must be urgently prioritised by the Ministry of Justice.*”

Over the course of 2021, we explored multiple possible sources of data on mothers in prison and across the wider criminal justice system. The barriers we encountered accessing data during our search highlights that whilst data collection remains inconsistent, limiting the ability of researchers and relevant agencies to understand the scope and scale of those affected by maternal imprisonment.

Police

Hampshire Constabulary do not routinely collect information on parental responsibility upon an individual's arrest or arrival into custody. Should officers become aware someone in custody is a parent, a Public Protection Notice (PPN) is completed and sent to the Multi-Agency Safeguarding Hub (MASH) at the individual's home local authority. Information regarding children of an individual would be held on the local Records Management System. NHS Liaison and Diversion (L&D) services identify people who have mental health, learning disabilities, substance misuse or other vulnerabilities when they first come into contact with the criminal justice system, and can have a permanent presence in police custody suites. Mothers may be more likely to disclose maternal status to L&D staff, who will have access to their media records, however this can only be passed to other agencies such as police or probation with the individual's consent.

Out of Court Disposals

The Hampshire Police and Crime Commissioner has just completed a pilot of a women-only Out of Court Disposal (OCCD) programme called Women and Desistance Engagement programme (WaDE). WaDE collects information on maternal status from individuals referred to them by police.

⁶⁴ <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1610/1610.pdf>

Probation Service

The data systems used by the Probation Service are accessed by probation staff working both in prisons and in the community, as well as probation staff working at court. There are two main systems on which data about maternal status might be stored.

OASys is a risk assessment tool that records information obtained from probation staff through interviews with those in custody or under supervision and from relevant agencies such as social services. Assessments can take place at a number of points in the individual's criminal justice journey – at court (Pre-Sentence Report), early in their sentence, and when they first come back into the community. On first contact with Probation, either at court or post sentence, officers are required to complete an Equality Information Form. Section 12 asks a Yes/No question regarding whether the individual has parental or carer responsibilities, which could include caring for a partner or family member as well as a child. This is a paper based assessment, with the reliability of the data being input into the system being variable. For individuals serving sentences of longer than twelve months, an OASys assessment will be completed with a Prison Offender Manager (POM) which asks questions about criminogenic needs, including family and relationships, which help the POM to assess their risk-level and develop a sentencing plan. The assessment asks individuals a Yes/No question about parental responsibility, and there is an additional section 'Personal Circumstances' where free-text information on dependents and caring responsibilities is stored. For short custodial sentences only a Basic Custody Screening Tool (BCST) is completed (see below).

Data provided to Crest by the South Central probation region on its female cohort between September 2018 and August 2021 shows that a third (34%) of OASys assessments had not recorded anything in the Parental Responsibility field, suggesting inconsistency in data collection.

nDelius is a case recording system which probation staff use to record day to day case management work, such as whether an individual turned up to an appointment and what happened at that appointment. nDelius records information about children under a 'personal circumstances' field which is either:

- Dependents – this has subtypes of 'Has Dependents'/'Primary Carer' but could refer to other dependents as well as children so is not definitive; OR
- Pregnancy/Maternity – which has subtypes of 'Pregnancy' or 'Maternity'. Whilst in theory a Maternity subtype would indicate a female service user is a mother, it is mainly intended for recording the early postnatal period and therefore unlikely to be used if someone already has children when they first come under supervision.

Maternal status is only likely to be recorded on nDelius where it's directly relevant to the management of the individual or the risk they pose.

Prisons – Basic Custody Screening Tool (BCST) and Prison NOMIS (National Offender Management Information System)

The **Basic Custody Screening Tool** (BCST) is used to ask questions to individuals on reception into prison so that safety risks can be flagged and key issues can be identified and prioritised in sentencing and resettlement plans, and to help manage the offender whilst in custody. Questions B 6.2, 6.7 and 6.8 ask about children at home, whether social services are involved with the family and if so, the name of the social worker. This will not capture circumstances where children are living with a grandparent, for example, or are in care of social services and therefore cannot be used to determine maternal status. The information collected by the BCST is recorded on OASys but is not shared with nDelius or the National Offender Manager Information System (NOMIS) - the prison case management system - and is therefore available to be viewed by probation staff working in prisons, but not prison staff (such as those working on the wing).

In answer to a question tabled in December 2020 asking the government how many women in prison are a) pregnant and b) mothers with primary caring responsibilities, the government replied:

“On reception into custody, all prisoners are asked if they have any children living at home and what their ages are. Currently, this information is not captured in a way that can be centrally monitored, and we know that there are challenges around parents being reluctant to disclose this information due to fear of involvement from social services. However, we are considering how to monitor and publish this information”.⁶⁵

The Ministry of Justice has said that it is currently making changes to the BCST in order for data from each prison to be collated centrally, and broken down by gender, but it will not be available retrospectively.

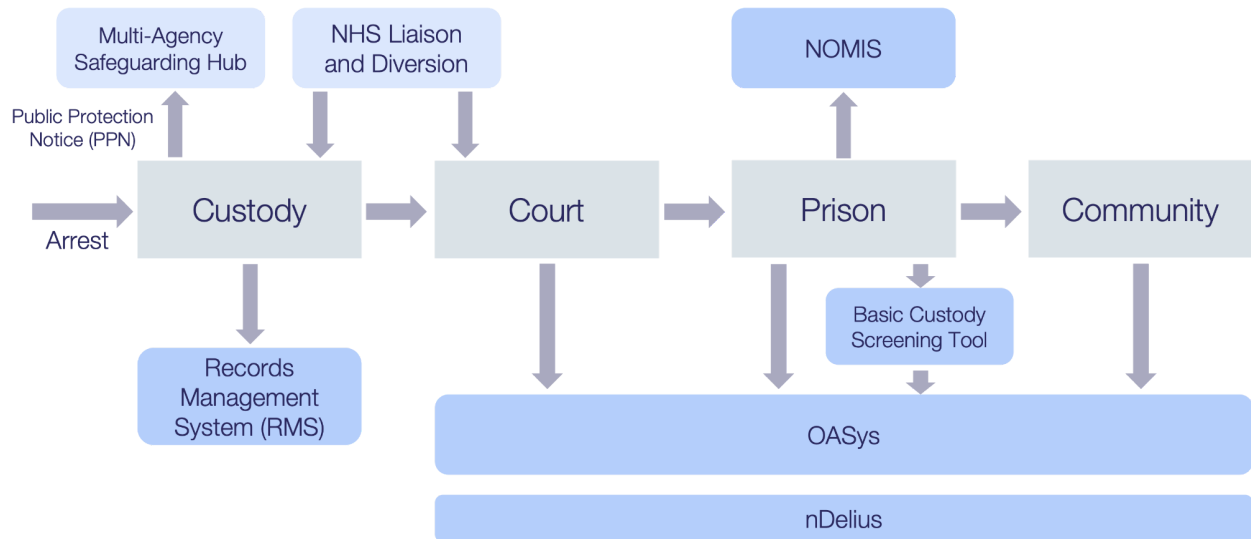
NOMIS does not systematically screen for mothers, although text comments may go onto NOMIS if there is a risk flagged related to children. Prison Offender Managers may check NOMIS and update any missing information including that related to children, but this did not appear to be standard practice.

Research by Beresford⁶⁶ has shown that trust is a key issue for women when it comes to disclosing information about their children, and that they are often reluctant to do so for fear of a ‘punitive response’. Women reported that reception into prison custody was not the best time to be questioned about children, as they are often in shock and fearful of the consequences of doing so. Fear of disclosure remains a key barrier to data collection across agencies.

⁶⁵ Retrieved from: <https://questions-statements.parliament.uk/written-questions/detail/2020-12-04/125243>

⁶⁶ Beresford, S (2018) *What about me? The impact on children when mothers are involved in the criminal justice system*. Prison Reform Trust

Fig. 11. Map showing where data on parental status is collected at various stages throughout the CJS



Local authorities

Crest contacted Hampshire County Council and Portsmouth City Council to identify children known to them who had a mother in prison. This information was not systematically recorded on case management systems and the case studies used in this report were identified based on the recall of individual social workers as to the circumstances of children in their caseloads.

Additional data sources

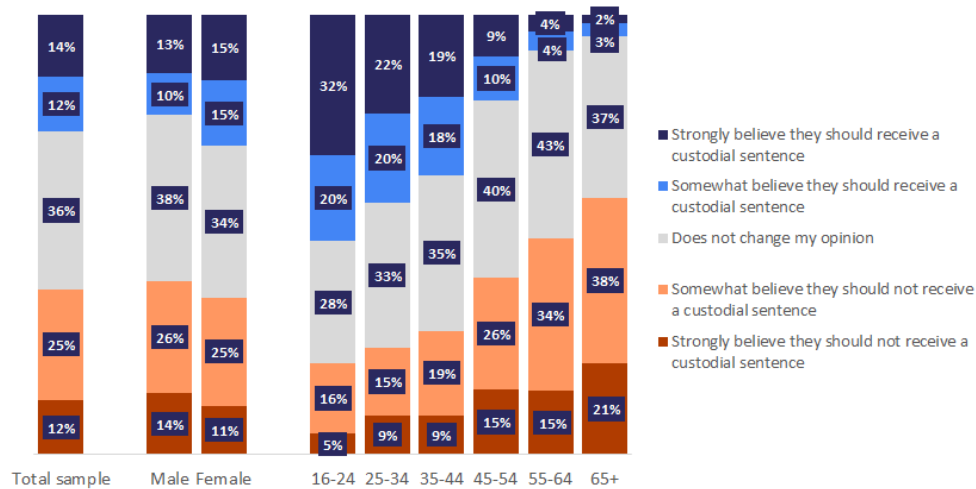
Crest also analysed data provided by Women in Prison and Pause to inform this research.

Appendix C

In August 2021, Crest conducted a nationally representative poll of 2,573 members of the public to understand opinions on maternal imprisonment and its impact on children. Please visit the Crest Advisory website to view our [blog](#) outlining the key findings from this polling. Selected results are displayed in the figures below.

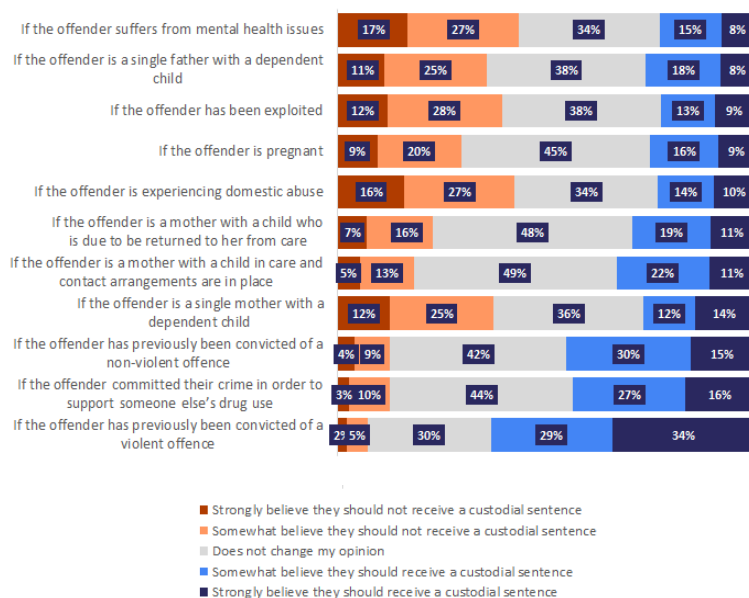
Fig. 12. Thinking specifically about non-violent offences, do you think the following circumstances should change whether an offender should receive a custodial sentence?

[If the offender is a single mother with a dependent child]



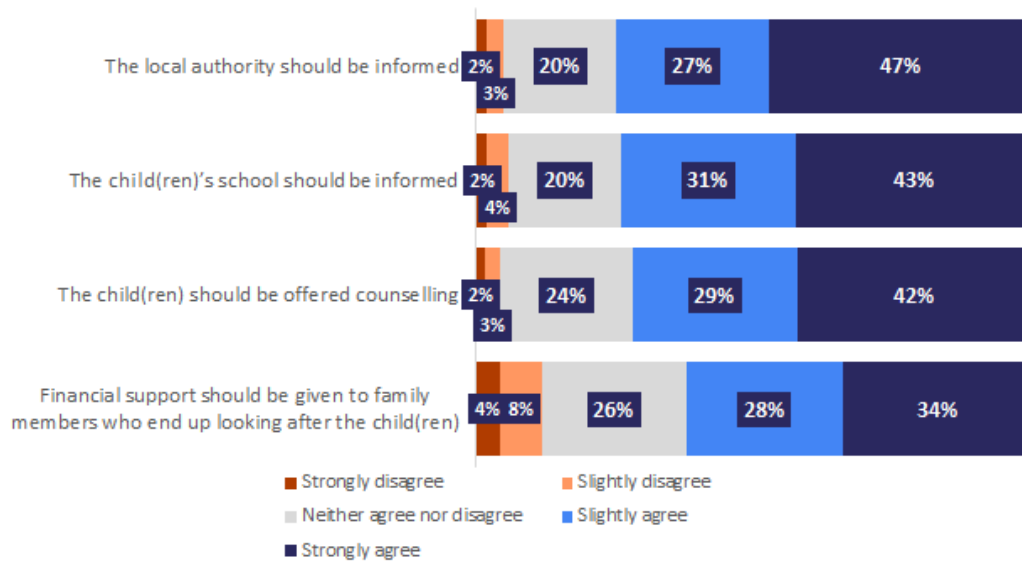
Fieldwork conducted 31st July-16th August 2021. Sample: Total (2573); Male (1250), Female (1323); 16-24 (373), 25-34 (427), 35-44 (448), 45-54 (443), 55-64 (377), 65+ (505)

Fig. 13. Thinking specifically about non-violent offences, do you think the following circumstances should change whether an offender should receive a custodial sentence?



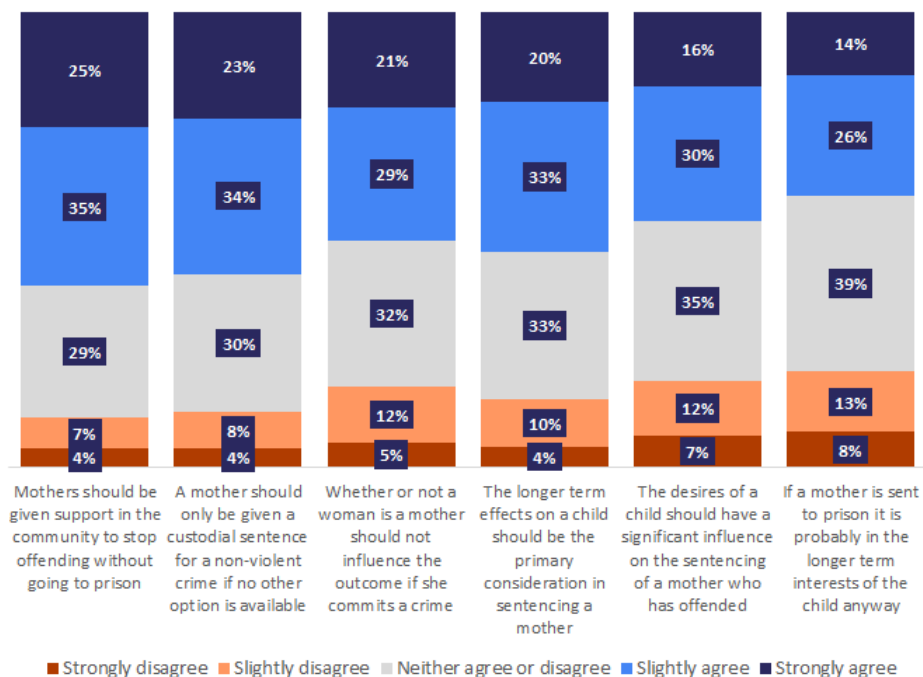
Fieldwork conducted 31st July-16th August 2021. Sample: Total (2573)

Fig. 14. How much do you agree or disagree that the following actions should be taken if a mother is given a custodial sentence?



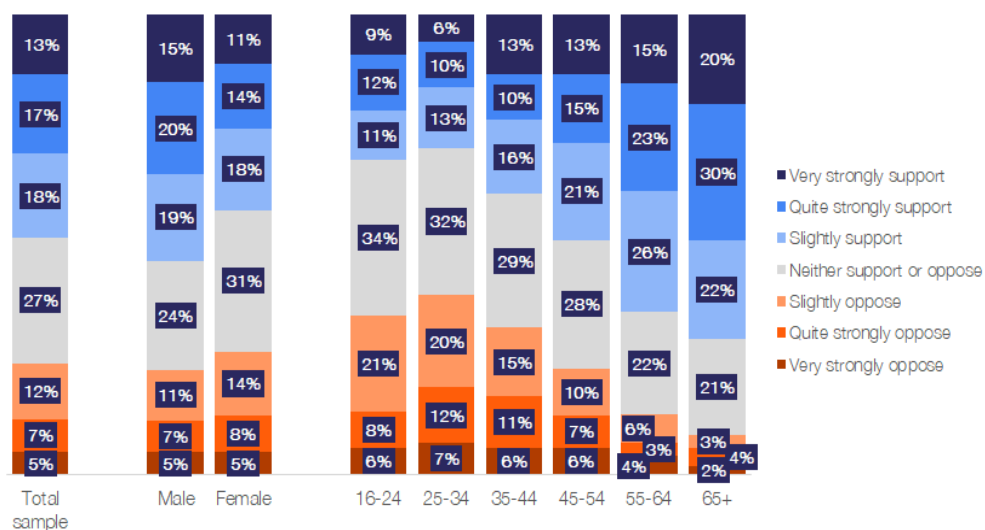
Fieldwork conducted 31st July-16th August 2021. Sample: Total (2573)

Fig. 15. How much do you agree or disagree with the following statements?



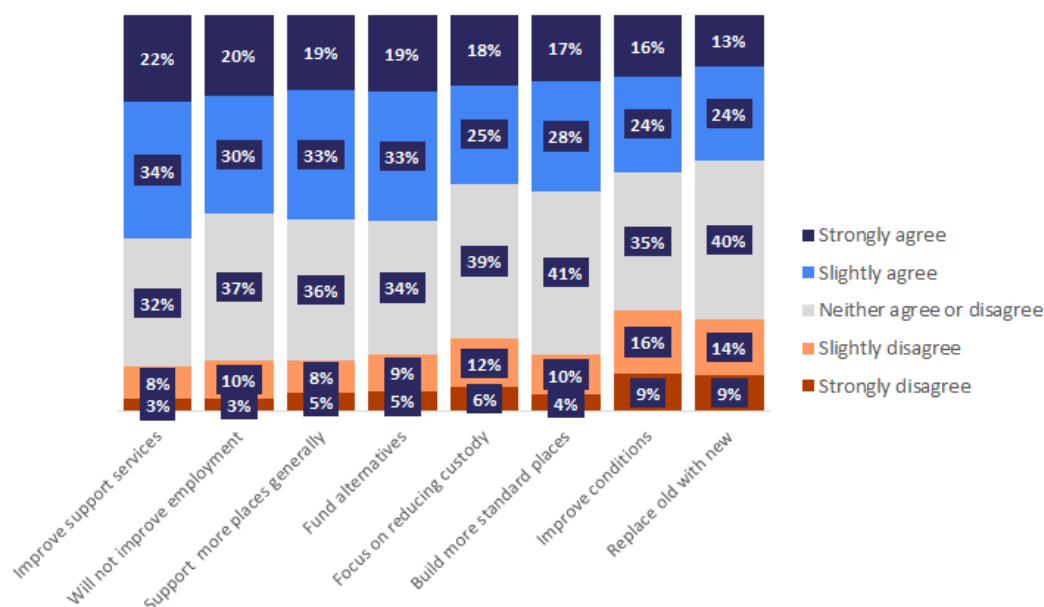
Fieldwork conducted 31st July-16th August 2021. Sample: Total (2573)

Fig. 16. How much do you support or oppose the government plan to build an additional 500 prison places for women?



Fieldwork conducted 31st July-16th August 2021. Sample: Total (2573); Male (1250), Female (1323); 16-24 (373), 25-34 (427), 35-44 (448), 45-54 (443), 55-64 (377), 65+ (505)

Fig. 17. How much do you agree or disagree with the following statements regarding the UK Government's plan for an additional 500 prison places for women?

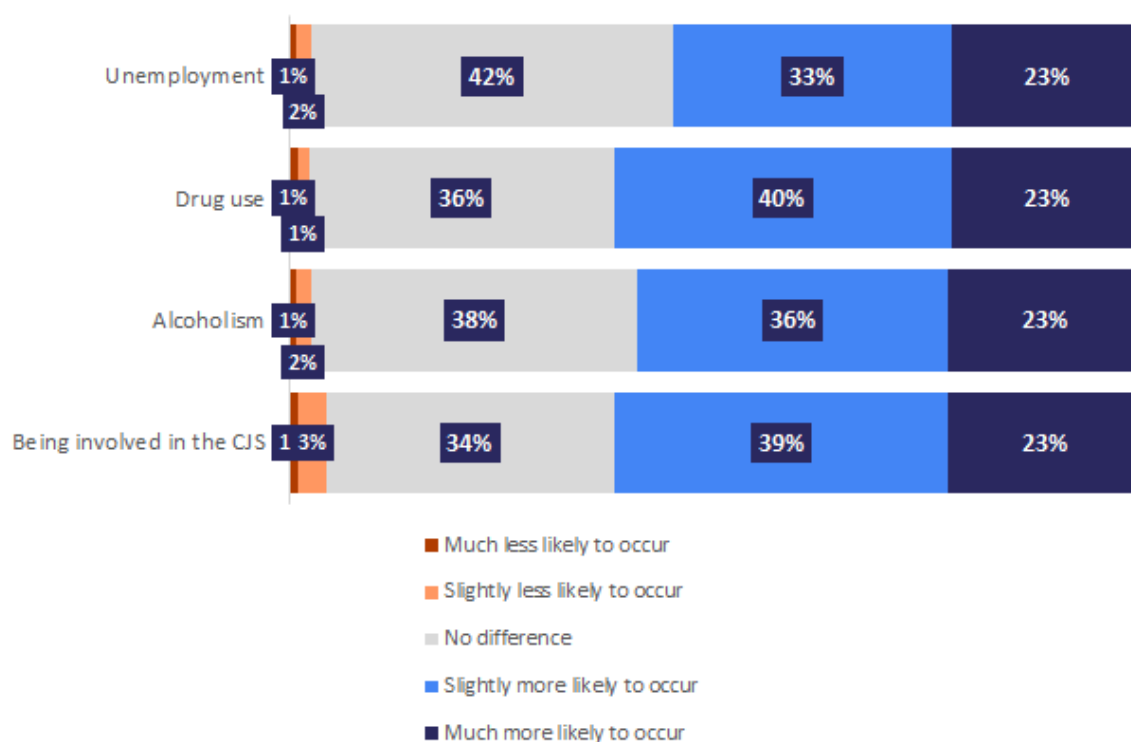


Full text of statements:

The funding should be used to improve support services instead (e.g. support for those with mental ill-health, substance misuse issues, or suffering domestic abuse),
 Building new prison cells will not improve employment opportunities for prisoners,
 I completely support the building of 500 additional prison places for women,
 The funding should be used to fund alternatives to prison such as women centres that support women with community sentences,
 The government should be reducing, not increasing the number of women in prison,
 The funding should be used to build a greater number of ordinary places in prisons,
 The funding should not be spent on improving the conditions for prisoners, If the funding is to be used for 500 new prison spaces with better conditions then 500 old spaces should be decommissioned

Fieldwork conducted 31st July-16th August 2021. Sample: Total (2573).

Fig. 18. Do you think it is more likely or less likely that a child would experience the following later in life if their mother had been imprisoned or do you think it doesn't make a difference?



Fieldwork conducted 31st July-16th August 2021. Sample: Total (2573)

Appendix D

A full breakdown of the source material used to calculate the costs associated with **Child A** (Fig. 4.), **Child B** (Fig. 5.) and **Child C** (Fig. 6.) is outlined below.

Child A

18 month custodial sentence, likely to be 9 months served (HMP Bronzefield and HMP Downview) - Sourced from Costs per place and costs per prisoner by individual prison, HMPPS Annual Reports and Accounts 2019-20

LAC planning - Sourced from Understanding costs and outcomes in child welfare services (Holmes & McDermid), 2012, London: Jessica Kingsley Publishers. Based on ongoing support per month

CAMHS - Sourced from Unit Costs of Health and Social Care 2020 (Curtis, 2020,p84) - taken average cost per child case given lack of details on length of provision

Social Worker - Sourced from Unit Costs of Health and Social Care 2020 (Curtis, 2020,p139) - taken average cost per child case given lack of details on length of provision

Alternative education provision - Sourced from Alternative Provision Market Analysis, DfE (2018) page 44

Child B

Two month custodial sentence (HMP Bronzefield) - Sourced from HMPPS. Cost per place and costs per prisoner 2017-18 (MOJ, 2018)

35 days custody for breach of probation order - Sourced from HMPPS. Cost per place and costs per prisoner 2017-18 (MOJ, 2018)

Child Protection planning (13 months) - Understanding costs and outcomes in child welfare services (Holmes & McDermid), 2012, London: Jessica Kingsley Publishers. Based on ongoing support per month

Intensive parenting service - Costs and longer-term savings of parenting programmes for the prevention of persistent conduct disorder: a modelling study (Bonin et al, 2011), p.5

PLO proceedings - Sourced from NAO Analysis, based on CIPFA, Home Office, Ministry of Justice and Youth Justice Board Data. Cited in NAO 2011 - The cost of a cohort of offenders to the criminal justice system p18 fig 8 - have used cost of breach offence as closest cost for proceedings

Two week custodial for breach of probation - Sourced from HMPPS. Cost per place and costs per prisoner 2017-18 (MOJ, 2018)

Care proceedings - Sourced from NAO Analysis, based on CIPFA, Home Office, Ministry of Justice and Youth Justice Board Data. Cited in NAO 2011 - The cost of a cohort of offenders to the criminal justice system p18 fig 8 - have used cost of breach offence as closest cost for proceedings

Interim care order hearing - Sourced from NAO Analysis, based on CIPFA, Home Office, Ministry of Justice and Youth Justice Board Data. Cited in NAO 2011 - The cost of a cohort of offenders to the criminal justice system p18 fig 8 - have used cost of breach offence as closest cost for proceedings

Parenting Workshops - Costs and longer-term savings of parenting programmes for the prevention of persistent conduct disorder: a modelling study (Bonin et al, 2011), p.5

Child protection planning (16 months) - Understanding costs and outcomes in child welfare services (Holmes & McDermid), 2012, London: Jessica Kingsley Publishers. Baed on ongoing support per month

CAMHS - Sourced from Unit Costs of Health and Social Care 2020 (Curtis, 2020,p84) - taken average cost per child case given lack of details on length of provision

Social Worker - Sourced from Unit Costs of Health and Social Care 2020 (Curtis, 2020,p139) - taken average cost per child case given lack of details on length of provision

Family Support Worker - Sourced from Unit Costs of Health and Social Care 2017 (Curtis, 2017, p180)- taken the average cost per family given a lack of information on length of provision. Not included in later cost databases

Cost of refusing education - GM CBA (Fiscal and economic cost to the state based on a child missing at least five weeks of school in a year. This figure is substantially lower than the School Exclusion figure but probably more accurately reflects the "social cost" because the child has not been excluded but has excluded themselves.) Sourced from Misspent Youth (2007) - NOTE: Numbers are based on 2005 data so quite outdated but the most recent found.

A&E visits - This cost is sourced from NHS Reference Costs 2017-18, and is a weighted average cost for A&E attendance (using values from HRG codes VB01Z-VB11Z), covering all attendances including scenarios both where investigation and treatment are received, and where they are not received (see related headline measures below for unit costs for each of these scenarios)

Child C

Eight month Custodial Sentence (HMP Peterborough) - Sourced from Costs per place and costs per prisoner by individual prison, HMPPS Annual Reports and Accounts 2019-20

Emergency Foster Care (x2) - Unit Costs of Health & Social Care 2018 (Curtis, 2018). p74 - Used the older data as it includes the cost of social worker provision which has been excluded in more recent costings

Foster Care (x3) - Unit Costs of Health & Social Care 2018 (Curtis, 2018). p74 - Used the older data as it includes the cost of social worker provision which has been excluded in more recent costings

CIN Planning - Cost is made up of initial contact/referral, plus assessment, plus monthly costs for 11 months. Source is Extension of the cost calculator to include cost calculations for all children in need (DfE 2010, p8)

Social worker - Sourced from Unit Costs of Health and Social Care 2020 (Curtis, 2020,p139) - taken average cost per child case given lack of details on length of provision

Residential Setting - £712 per day times 270 days (9 months approx). Sourced from Unit Costs of Health and Social Care 2020 (Curtis, 2020,p74)

Appendix E

The female prison estate in England and Wales⁶⁷:



⁶⁷ HMPPS (2017) 'HMPPS Women's Prison Estate Map'. In May 2020 the Ministry of Justice announced that Wales had been selected to have the first residential women's centre which will focus on rehabilitation for women convicted of low level crime