

Prison Reform Trust response to the follow-on Farmer Review call for evidence – 14 November 2018

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families
- promoting equality and human rights in the criminal justice system

PRT provides an advice and information service for people in prison, which responded to 6,088 individual enquiries in the 12 months from October 2017 to September 2018, with a rising proportion of complaints and inquiries from women in prison. Between April and June 2018, 6% of contact was from women's prisons. Overall in the last 12 months 4% of contact has been from women's prisons, up from 2 or 3% in previous years following a concerted effort to reach out to women in prison as they are less likely to complain or enquire than their male counterparts. Many of these enquiries relate to women's concerns about family members, including safe guarding concerns. PRT emphasised in the previous Farmer Review the importance of clear avenues for family members to raise concerns about their loved ones in prison – and that safer custody voicemails did not adequately fulfil this requirement. This is an ongoing problem.

Introduction

PRT has a longstanding interest in improving criminal justice outcomes for women and since 2015 our Transforming Lives (TL) programme to reduce the unnecessary imprisonment of women in the UK has been supported by the Big Lottery Fund. We welcome the chance to respond to the follow-on Farmer Review's call for evidence. It is well known that a key difference between women and men's offending lies in family relationships – for men these tend to be a protective factor whilst for women they are more likely to be a risk factor. So women in prison are much more likely than men to have been victims of domestic violence or sexual abuse by a family member¹, and are more likely to have experienced time as looked after children. Women are also more likely to have primary care responsibilities for children and for other dependent relatives. This calls for a distinct support strategy for women in the community as well as in prison, one that focuses on reducing women's exposure to coercive and violent relationships, improving their pathways out of such relationships, and ensuring they have both the opportunities and the confidence to disclose their experiences, the problems they face and what help they need.²

It is a specific objective of the TL programme to reduce the imprisonment of mothers, and we have recently published '[What about me?](#)', highlighting the impact on children when mothers are involved in the criminal justice system. Its principle author, Sarah Beresford, presented the key findings and recommendations to the review and we include the summary of recommendations in Appendix 3 and would welcome Lord Farmer's response to these.

¹ According to information provided in response to PQ 174009 by Philip Davies MP by Rory Stewart MP on 12 September 2018, 49% of women in prison compared to 6% of men in prison identified as ever having been victims of domestic violence.

² Prison Reform Trust (2017), *There's a reason we're in trouble*, domestic abuse as a driver to women's offending, London: PRT

It is now over ten years since publication of the Corston Report on Women with Particular Vulnerabilities in the Criminal Justice System³, and five years since the Angiolini Commission on Women Offenders (Scotland). These and many other inquiries and reports have all concluded that prison is rarely a necessary, appropriate or proportionate response to women caught up in the criminal justice system⁴, particularly if these women have dependent children. It has been estimated that 17,240 children are separated from their mothers by imprisonment each year.⁵ There is a shocking lack of accurate or up-to-date information about children affected by their mother's imprisonment but according to the Corston Report only about 5% of children whose mother is imprisoned remain in their own home, 25% are cared for by grandmothers, 29% by other family members or friends; 12% are in care or with foster parents or adopted and only 9% of the children are cared for by their fathers while their mothers are in prison.⁶ As well as a change of home and carer, many children encounter other significant changes such as moving school and being separated from siblings.⁷ Yet policy development in the area is continually hampered by the lack of data and knowledge of primary care responsibilities, because neither criminal justice agencies nor other local services routinely ask these questions.⁸ The table below presents a snapshot of women in prison recorded as having children. Although the age of children is not provided, whether or not they are under 18 or were residing with the mother prior to imprisonment this is a significant relationship and likely to be a source of grief, guilt and loss for many.

Percentage of women recorded as having children by establishment, 26 June 2018⁹

Establishment	Percentage have children
Askham Grange	77%
Bronzefield	52%
Downview	52%
Drake Hall	68%
East Sutton Park	62%
Eastwood Park	71%
Foston Hall	63%
Low Newton	66%
New Hall	68%
Peterborough (female)	60%
Send	55%
Styal	67%

³ Women in Prison (2017) The Corston Report 10 years on, London: WIP

⁴ Prison Reform Trust (2018) Response to women and equalities committee inquiry into enforcement of the equality act, London: PRT.

⁵ Wilks-Wiffen (2011) *Voice of a child* London: Howard League for Penal Reform. 54% of all prisoners reported having children under the age of 18. See www.gov.uk/government/uploads/system/uploads/attachment_data/file/162361/prisoners-childhoodfamily-backgrounds.pdf

⁶ Home Office (2007) *The Corston Report*, London: Home Office, p.20

⁷ Minson, S. (2017) *Who Cares?* Analysing the place of children in maternal sentencing decisions in England and Wales. DPhil Thesis, University of Oxford

⁸ HoL Deb (30 October 2018) 793, 1212, 2356, available at: <https://hansard.parliament.uk/lords/2018-10-30/debates/F75F20DB-15C1-4F26-A8B8-F6125A8767EA/PrisonsChildrenOfPrisoners>, [Accessed: 5 November 2018]

⁹ House of Lords written question HL8901, 25 June 2018

As we recommend in *What About Me?* the Government should take steps to improve routine data collection and understanding of women's primary care responsibilities, which must include tackling barriers to disclosure so that women are not fearful of losing their children rather than receiving the support they need to parent.

1. What has research and evaluation shown helps women in prison or under probation supervision maintain and improve their family ties and other relationships with those who are important to them?

The futility of short prison sentences

We understand that sentencing policy is not within the Farmer Review's remit but the over-use of short custodial sentences for women is widely acknowledged. In 2017, 8,474 women were received into prison either on remand or under sentence¹⁰, and 87% of the sentenced women had been convicted of a non-violent offence (compared to 69% of men).¹¹ Over three quarters of women sentenced to immediate custody in 2017 were sentenced to less than 12 months imprisonment¹², many to less than three months, overwhelmingly for minor offences.¹³ To address this, PRT is advocating for a presumption against short term prison sentences. The United Nations Committee for the Elimination of Discrimination Against Women has raised concerns about the levels of incarceration of women in the UK for minor offences and recommended the adoption of 'alternative...custodial strategies, including community interventions and services' for women accused of minor offences.¹⁴ The UK is also a signatory to The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules¹⁵), which provides that '*Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children*'.

The research recently conducted by Lucy Baldwin and Rona Epstein on the impact of short custodial sentences on mothers and their children, whilst small-scale, provides valuable insights, both about the pains of imprisonment and reintegration and about the missed opportunities for earlier interventions. "*I feel sad that I had to go to prison to get any support for myself and my children*"; "*more understanding of depression and how that can make women act out of character*"; "*a community centre (women's centre?) would have looked at my mental health and looked at what makes me impulsive*". Women expressed the need for practical problem-solving support.¹⁶

There is both academic and extensive anecdotal evidence of inconsistent judicial practice in sentencing primary carers, including failures to enquire about or consider the consequences for dependent children.¹⁷ We have recommended that there should always be a pre-sentence report and a child-impact assessment. We have also supported and promoted the powerful films and

¹⁰ Ministry of Justice (2018) Prison receptions: 2017, London: MoJ

¹¹ Ministry of Justice (2018) Table 2.1, Offender Management statistics quarterly: July to September 2017, London: MoJ

¹² Ministry of Justice Court Outcomes by Police Force Area: Pivot Table Analytical Tool for England and Wales

¹³Prison Reform Trust (2018) response to Strengthening probation, building confidence, London: PRT

¹⁴ CEDAW C/GBR/CO/7: Committee on the Elimination of Discrimination Against Women—Concluding observation on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, 30 July 2013

¹⁵ Bangkok Rules on Women Offenders and Prisoners (2010) Available at:

<https://www.penalreform.org/wpcontent/uploads/2013/07/PRI-Short-Guide-Bangkok-Rules-2013-Web-Final.pdf>

¹⁶ Baldwin & Epstein (2017) *Short but not sweet: A study of the impact of short custodial sentences of mothers & their children*, Leicester: DMU pp.51-52

¹⁷ Ibid and see Hedderman & Gunby (2013) 'Diverting women from custody: The importance of understanding sentencers' perspectives', *Probation Journal*, 60(4), pp.425-438; Stalford, Hollingsworth & Gilmore (Eds.) (2017) *Rewriting children's rights judgments: From academic vision to new practice*, Bloomsbury Publishing

information resources '[Safeguarding children when sentencing mothers](#)' by Dr Shona Minson to improve awareness, practice and outcomes for children.¹⁸ We note and welcome the commitment in the government's Female Offender Strategy to roll this out, and recommend that delivery across the criminal justice system be monitored and evaluated.

Women under probation supervision

Since the introduction of the Offender Rehabilitation Act 2014, there has been a year on year increase in the disproportionate number of women recalled to prison, which is generally destructive and at least disruptive of family and community ties. PRT is currently researching the reasons for this, but there is already evidence that the multiple and complex needs many women in contact with the criminal justice system experience are not being identified or addressed by the supervision they are receiving.¹⁹ This is especially difficult for mothers, who are not able to take their children to probation offices, and so have to make alternative care arrangements. There are few specific measures in place to identify and support women whose offending is linked to abusive and coercive relationships.²⁰ This is all despite Section 10 of the Offender Rehabilitation Act 2014 which places a duty on the Secretary of State for Justice to ensure that arrangements for supervision or rehabilitation identify and provide for the specific needs of women.²¹ This should include support for their primary care and other responsibilities. PRT is calling for an end to mandatory post-custody supervision for those given short sentences and agree with views expressed by the Justice Secretary David Gauke MP on the need to explore alternatives to the blanket 12-month supervision period that would make post-sentence supervision more proportionate to an offender's sentence and to their rehabilitative need.²²

Over the last two years PRT, in partnership with User Voice, has conducted focus groups with women in London and Birmingham with lived experiences of the criminal justice system. In our discussions the women identified both probation and social services as a barrier to help-seeking, because they fear their children being taken into care and this deters them from disclosing their problems and support needs.²³ One woman spoke about avoiding social services at all costs, even if the alternative was the criminal justice system (CJS), this was then echoed by other women in the group:

"Given the choice of taking their chances in CJS or putting your future and your children's future in the hands of social services, actually you'd prefer the CJS...loads of people I think agree with me, they've got no interest in the women".²⁴

The need for a more collaborative and supportive approach was discussed at the Nuffield Family Justice Observatory event on 'Born into Care', which considered the increase in cases of new-born babies subject to care and adoption proceedings, and the particular risks and challenges for women in prison.²⁵ The need to ensure women are fully informed and consulted in any safeguarding action relating to their children is emphasised in our *What About Me?* report. It is evident from PRT's consultations and research that women are more likely to seek and accept help

¹⁸ Prison Reform Trust (2018) response to the Joint Committee on Human Rights inquiry: the right to family life: children whose mothers are in prison, London: PRT

¹⁹ Prison Reform Trust (2018) response to Strengthening probation, building confidence, London: PRT; see also HM Inspectorate of Probation (2016) A thematic inspection of the provision and quality of services in the community for women who offend, Manchester: HM Inspectorate of Probation

²⁰ Prison Reform Trust (2017) *Counted Out: Black, Asian and minority ethnic women in the criminal justice system*, London: PRT

²¹ Prison Reform Trust (2018) response to United Nation call for submissions: Women deprived of liberty, London: PRT

²² Rt Hon David Gauke MP, letter to Rt Hon David Hanson MP, 18 September 2018, TS

²³ HoL Deb (12 September 2018) 792, 2355, available at: <https://hansard.parliament.uk/Lords/2018-09-12/debates/FFD17F1A-CCC8-4EC1-B7D1-43C6E9BF0A31/JusticeWomen%E2%80%99SCentres?highlight=justice%20women%27s%20centres#contribution-7D37E7C8-AD3F-4A24-8DE3-9DD6D1D935E2>, [Accessed: 5 November 2018]

²⁴ From a PRT and User Voice focus group in London in October 2018

²⁵ Broadhurst, Alrouh, Mason, Ward, Holmes, Ryan & Bowyer (2018) *Born into care*, Newborns in care proceedings in England, London: Nuffield Foundation

from non-statutory agencies because, without fear of losing their children, they are more likely to build relationships of trust and disclose important information.²⁶

Women in prison

Research has found that women report an acutely more painful experience of imprisonment than their male counterparts, and that issues of particular salience to women include loss of contact with family members, psychological well-being and mental health; and matters of trust, privacy and intimacy.²⁷ Whilst some fathers do report feeling bereft by a loss of contact with their children, they are a minority and report far fewer difficulties with contact, communication, custody and control than women.²⁸ Women in prison receive fewer visits than their male counterparts for a wide range of reasons. Due to the small number and geographical spread of women's prisons, most women are held a long way from their homes. The average distance between home and prison is 64 miles²⁹, but 20% of women in HMP Eastwood Park for example are up to 150 miles from home.³⁰ This means fewer visits being made by children to see their mothers and is a barrier to family contact which is an important factor in reducing the risk of reoffending on release.³¹ The Social Exclusion Unit reported only half of women who had lived with, or been in contact with, their children prior to imprisonment had a visit from their children whilst in custody.³² As most primary care givers are women, the imprisonment of a mother is particularly devastating for children, affecting every aspect of life and generating a wide range of emotions, including grief, trauma, and shame, and women also feel an acute sense of shame as 'failed' mothers.³³ This can result in mothers not wanting their children to visit them in prison. These complex feelings must be understood in policy and service provision if it is to be effective in supporting family relationships, especially at the start of a sentence when shock exacerbates these feelings.³⁴ A woman's story illustrating aspects of this is included as Appendix 1 – it was submitted to the PRT Writing Competition this year.

PRT would like to emphasise that contact with the women's children and families should certainly not be treated as a 'reward for good behaviour' of the mother or used as part of the Incentives and Earned Privileges (IEP) scheme. Rather it should be viewed as a right of the child to help reduce their anxieties and maintain contact.³⁵ The promise of longer visits or visits in improved surroundings as an incentive for good behaviour is inappropriate given the importance of maximising opportunities for contact with children to both support women's rehabilitation and meet the best interests of children affected.³⁶ Women in our focus groups reflected this and spoke positively about family days whilst in prison:

"The visits were great. I used to book out the family room 'cause there was so many of us and it was great."

"They had family days every 2 months. Bronzefield had one every month on a Saturday morning where the kids used to come in on their own without an adult."³⁷

²⁶ From a PRT and User Voice focus group in London in October 2018; see also Prison Reform Trust (2017) *"There's a reason we're in trouble"*, Domestic abuse as a driver to women's offending, London: PRT

²⁷ Crewe, Hulley & Wright (2017) 'The Gendered Pains of Life Imprisonment', *The British Journal of Criminology*, Oxford; p.1

²⁸ Crewe, Hulley & Wright (2017) 'The Gendered Pains of Life Imprisonment', *The British Journal of Criminology*, Oxford; p.11

²⁹ Prison Reform Trust (2018) *Home truths: housing for women in the criminal justice system*, London: PRT

³⁰ HMP/YOI Eastwood Park Independent Monitoring Board (2011) Annual Report 2010-11 London: MoJ

³¹ Prison Reform Trust (2015) *Sentencing of mothers: Improving the sentencing process and outcomes for women with dependent children*, London: PRT

³² Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners* London: SEU

³³ Prison Reform Trust (2018) *What about me? The impact on children when mothers are involved in the criminal justice system*, London: PRT

³⁴ Rees, Staples & Maxwell (2018) *Evaluation of Visiting Mum Scheme*, Cardiff: Cardiff University

³⁵ Rees, Staples & Maxwell (2018) *Evaluation of Visiting Mum Scheme*, Cardiff: Cardiff University

³⁶ Prison Reform Trust (2018) *Consultation on draft incentives and earned privileges policy framework*, London: PRT

³⁷ From a PRT and User Voice focus group in London in April 2017

These unsupervised child access visits continue to be a positive initiative in women's prisons.³⁸ The Visiting Mum scheme at HMP Eastwood Park reported the importance of facilitating successful visits in order to reduce the emotional distress caused both to the incarcerated women and their children³⁹, and PRT recommended to the previous Farmer review the need to provide an induction for visitors including information for children on what to expect⁴⁰, the findings of this report provide a compelling case for government to review these recommendations for women in prison⁴¹. The National Information Centre on Children of Offenders also place emphasis on specialist, trained workers and volunteers to provide a friendly and supportive environment for visitors to ensure that the visit is a positive experience for everyone.⁴² It is very disappointing that funding was not extended for the Visiting Mum scheme and we recommend, especially in light of its extremely positive evaluation, that it be re-established as soon as possible.

Childcare Resettlement Leave (CRL), which allows a primary carer in prison to spend time with their child, is shockingly under-used as its purpose is to support and facilitate familial relationships. We recommend that both the policy and its use be carefully reviewed as we believe the policy lacks clarity and seems too often to exclude mothers from eligibility. At present it requires the prisoner to '*have sole caring responsibility for a child under 16 and they are not in the excluded groups, they are eligible to be considered for temporary release under CRL*'.⁴³ The recent IMB report on HMP and YOI Bronzefield found some overnight visits for mothers on ROTL, however, this practice had not yet been well-established.⁴⁴

The PSO 4800 states that on average women use the telephone more than men to maintain relationships.⁴⁵ This is an even more vital way to sustain mother-children contact when the lack of in cell technology and limitations of other contact such as letter-writing and emailing are considered. A recent inspectorate report of HMP Styal found 51% of women reported difficulties in contacting their family when they first arrived in prison.⁴⁶ Recent examples of good practice include Bronzefield, where prisoners have phones in their cells which are on dial-out only. Prisoners have reported to the Board that they find this very helpful in maintaining family relationships, problems with inter-prison phone calls have been reported to the Board, and those prisoners not receiving regular visits may exchange visiting orders for extra money for their phones (p.8).⁴⁷ The cost of phone calls from prison can be exorbitant and research has shown mothers have difficulty affording calls – particularly if they have more than one child to maintain contact with. The roll out of in-cell phones across the women's estate however has been very slow and arduous. The importance of enabling phone contact for sustaining family relationships whilst in prison is emphasised in recent research, which also highlights its role in better preparing families for the release of the women, as in many cases the mothers and children will be reunited and reside together again.⁴⁸

³⁸ HM Chief Inspector of Prisons (2018) Report on an unannounced inspection of HMP & YOI Styal, London: HMCIP

³⁹ Rees, Staples & Maxwell (2018) Evaluation of Visiting Mum Scheme, Cardiff: Cardiff University

⁴⁰ Prison Reform Trust (2016) PRT response to the Farmer Review: How can supporting men in prison to engage with their families reduce reoffending, London: PRT

⁴¹ Prison Reform Trust (2018) What about me?, London: PRT

⁴² National information centre on children of offenders, 'Prison Visitors Centres', available at <https://www.nicco.org.uk/directory-of-services/barnardos>

⁴³ HMPS (2005) PSO6300: Release on Temporary Licence, London: HMPS

⁴⁴ Independent Monitoring Board (2018) Annual Report of the Independent Monitoring Board at HMP and YOI Bronzefield, IMB

⁴⁵ Prison Reform Trust (2018) Consultation on draft incentives and earned privileges policy framework, London: PRT

⁴⁶ HM Chief Inspector of Prisons (2018) Report on an unannounced inspection of HMP & YOI Styal, London: HMCIP

⁴⁷ Independent Monitoring Board (2018) Annual Report of the Independent Monitoring Board at HMP and YOI Bronzefield, IMB

⁴⁸ Booth (2018) 'Disconnected: Exploring provisions for mother-child telephone contact in female prisons serving England and Wales', *Criminology & Criminal Justice*, pp.1-19

2. What has research and evaluation shown helps women who are not in contact with their families or friends?

There is a need for culturally appropriate women's support services. The UN Special Rapporteur on Violence Against Women visited the UK in 2014 and raised concerns over the disproportionate number of black and minority ethnic women in prison.⁴⁹ Some women are cut off from their families due to the extreme stigma of being convicted, particularly if the conviction is imprisonment. Asian and Muslim women may experience particularly acute stigma from their own communities as a result of their involvement with the criminal justice system and many Chinese people are unable to speak to their families around their experience of the criminal justice system, impeding rehabilitation and increasing isolation.⁵⁰ Muslim Hands reported that Muslim women in prison felt they experienced a harsher stigma, both in prison and from communities, for defying the stereotype of a 'good Muslim female'.⁵¹

3. What changes can be made to ensure women have the family and other relationships they need to help them on their desistance journey?

We welcome the recently published [Female Offender Strategy](#)⁵² and supporting documents. These documents mark a serious attempt by the UK government to take proper account of the vulnerability of many women offenders by endorsing the case for a gender specific approach to women who offend and promoting early intervention, diversion and community solutions rather than custody wherever possible. The Strategy recognises that "children of imprisoned mothers may be particularly affected by a custodial sentence" (p.9).⁵³ Realising these aims could transform the lives of many women and their children. However, the limited resources allocated to support women's community services, and the lack of a timetable to drive progress remain of concern. Without sufficient resources, the government's ambitions cannot be realised.⁵⁴

We also welcome the announcement in the new Female Offender Strategy of the appointment by HMIP of a lead inspector for Children and Families and its inclusion within the schedule of prison expectations.⁵⁵ However, the standards they are inspecting against will be important.

As outlined in the recently reprinted *Leading change*, local authorities can play a pivotal role in advocating for women with multiple needs, and are ideally placed to ensure a strategic, multi-agency response⁵⁶ – this joined up multi-agency support needs to be put into practice.

This is especially important in terms of housing for women and their children on leaving the prison. Appropriate housing is essential in enabling women to raise and care for their children in a safe, clean, and suitable environment, and saves costs and mitigates harms in the longer run.⁵⁷ Access to safe, affordable accommodation is commonly identified by women in prison as a top priority for successful resettlement.⁵⁸ Yet these women often find themselves in a 'catch-22' situation; women who do not have care of their children are often assessed as single and not allocated housing suitable for a family, making it incredibly difficult to regain the care of children:

⁴⁹ Prison Reform Trust (2018) response to United Nation call for submissions: Women deprived of liberty, London: PRT

⁵⁰ Prison Reform Trust (2017) Counted Out, London: PRT

⁵¹ Muslim Hands (2018) (IN)VISIBILITY, Muslim Hands

⁵² Ministry of Justice (2018) Female Offender Strategy, London: MoJ

⁵³ Prison Reform Trust (2018) response to the Joint Committee on Human Rights inquiry: the right to family life: children whose mothers are in prison, London: PRT

⁵⁴ Prison Reform Trust (2018) response to United Nation call for submissions: Women deprived of liberty, London: PRT

⁵⁵ Ministry of Justice (2018) Female Offender Strategy, London: MoJ

⁵⁶ Prison Reform Trust (2018) *Leading change*: the role of local authorities in supporting women with multiple needs, London: PRT

⁵⁷ Prison Reform Trust (2018) Home truths, London: PRT

⁵⁸ From a PRT roundtable event at HMP Holloway in February 2014

*“When I got out of prison I was in a catch-22...if your child doesn’t live with you, you can’t get accommodation, but you can’t get your child back unless you’ve got accommodation.”*⁵⁹

Joint working and support for women, especially those with children, should extend beyond the time when a woman is first housed, as a high proportion of tenancy failure occurs within the first six to twelve months of a new tenancy. Some women will need support throughout their tenancy. This could include, for example, help with managing money, dealing with debt, getting along with neighbours, friendship networks, and protection from domestic abuse.⁶⁰

More holistic support is also needed for kinship carers. *What about me* recommended that advice for kinship carers of children affected by imprisonment should be routinely available.⁶¹ Financially, more support needs to be in place, in response to questions from Lord Bishop of Gloucester on children of prisoners, Baroness Vere of Norbiton stated *“My information is that families who look after such children, whether they are carers from the same family or non-family carers, are eligible for the same benefits as they would get if they were the parents of the child-child benefit, child tax credit and so on.”*⁶² Yet in reality many local authorities encourage informal care arrangements, as these avoid the financial support which foster carers are entitled to. Kinship care or guardian’s allowances may alleviate some of the financial burden.⁶³

There is a widespread need for more women’s centres with provision for childcare support within them. The evidence shows the worth of women’s centres, and that they give women the tools they need truly to transform their lives.⁶⁴ Women’s centres are successful because they address multiple needs from an early stage and seek to offer each woman integrated, long term, non-judgmental support until she is ready to move on. They also help to reduce reoffending: the Anawim women’s centre in Birmingham has a reoffending rate of 1%.⁶⁵ Women’s centres also make financial sense; Revolving Doors Agency undertook a financial analysis of women’s centres and concluded that *“an investment of £18 million a year in women’s centres could save almost £1 billion in five years.”*⁶⁶

Ultimately the solutions do not lie in prison. A trauma informed approach needed throughout the criminal justice process given the high levels of experience of abuse amongst women in contact with the criminal justice system⁶⁷ and both substantive and consistent access to mental health care.⁶⁸

PRT is conducting research on recall. Emerging findings confirm the harmful impact on children and families when women are recalled to prison, it is both disruptive and counterproductive.

⁵⁹ Prison Reform Trust (2015) *Sentencing of Mothers*, London: PRT

⁶⁰ Prison Reform Trust (2018) *Leading Change*, London: PRT

⁶¹ Prison Reform Trust (2018) *What about me?*, London: PRT

⁶² HoL Deb (30 October 2018) 793, 1211, 2356, available at: <https://hansard.parliament.uk/lords/2018-10-30/debates/F75F20DB-15C1-4F26-A8B8-F6125A8767EA/PrisonsChildrenOfPrisoners>, [Accessed: 5 November 2018]

⁶³ Prison Reform Trust (2018) *What about me?*, London: PRT

⁶⁴ HoL Deb (12 September 2018) 792, available at: <https://hansard.parliament.uk/Lords/2018-09-12/debates/FFD17F1A-CCC8-4EC1-B7D1-43C6E9BF0A31/JusticeWomen%E2%80%99SCentres?highlight=justice%20women%27s%20centres#contribution-7D37E7C8-AD3F-4A24-8DE3-9DD6D1D935E2>, [Accessed: 5 November 2018]

⁶⁵ Anawim (2013) *The reality of transforming lives*, Impact Report, Available at:

<http://www.anawim.co.uk/documents/Anawim-Impact-Report-2013.pdf> [Accessed: 13 November 2018]

⁶⁶ Page (2011) *Counting the cost*: The financial impact of supporting women with multiple needs in the criminal justice system - Findings from Revolving Doors Agency’s women specific financial analysis model, Revolving Doors: London

⁶⁷ Prison Reform Trust (2018) *There’s a reason we’re in trouble*, London: PRT

⁶⁸ Ministry of Justice (2018) *Female Offender Strategy*, London: MoJ

4. Is there anything else you think is relevant to our Review from your own experience?

We note that the Joint Committee on Human Rights conducted inquiry into [‘The right to family life: children whose mothers are in prison’](#). Responses to this inquiry have not yet been published, but their report could be relevant and timely.

Appendix One

Story submitted by a woman in prison for the PRT Writing Competition 2018, the theme of which is 'What is prison for?'

WHAT IS PRISON FOR?

Prison is meant for punishment. When googling "Prison" you find: *a building in which people are legally held as a punishment for a crime they have committed or while awaiting trial.*

Q: who gets punished? A: "Why the person who committed the crime I hear you say".

Q: Is that so?

So, picture the scene:

A woman who is court for sentencing for let's say benefit fraud, (forget the crime for now) and has left her children to live with her elderly mother/sister/aunt or indeed anyone else whilst she attends court. Mum was told by her brief that she would not be sent to prison, so she went to court for sentencing on her own.

Not only did she not tell her oldest child where she was going, she only had the right amount of bus money to get her to the court and back and to collect milk and bread on the way home.

So, in the consulting room, her solicitor tells her the Crown Prosecution Service are clamping down with this kind of fraud and that despite the pre-sentence report from probation, saying she ought to be given community service, he has concerns about the judge presiding over the case. He has form for being a little harsh. She hasn't realised she needs to worry and whilst stood in the dock awaiting sentence, faints as she hears the Judge say: *"I have no option but to sentence you to 15 weeks"*.

She soon comes around but in the cells below the court but is still in shock

"Can I call my mother": NO

"Can I call my children" NO

"Who can I call": NO-ONE

Fast forward 10 days

She is in a women's prison 45 miles away from her home and has NOT spoken to her children since the morning of the court date, when she kissed them goodbye as they sent off for school. The ONLY phone call was the first call that first night, crying and upset to her mother; it lasted 5 minutes.

Her mother is visiting today she hopes with the children. She is waiting in the waiting area. She sees the other families come in and she is struggling to hold back the tears.

She has to remain seated at all times apart from the initial greeting. Her two girls, 10 and 8 come running at her sobbing and crying. They cannot stop hugging her and kissing her. She is overcome and breaks down sobbing. Her girls hold her hands to comfort her, the prison officer walks to her: "no touching" and walks away.

After the visit, her mum hugs her, whispers in her ear; *"social services are taking them into care on Monday as they say I can't look after them because of my dementia.....they don't know yet"*.

The youngest daughter wrote a story about how she thought she had lost her mum one day when she did not come back from shopping. She is having counselling for anxiety and emotional attachment disorder

Appendix Two

Extracts on maternal imprisonment from '[Still No Way Out](#), Foreign national women and trafficked women in the criminal justice system'

- Of 585 foreign national women in prison supported by Hibiscus from 2013 to 2017, 38% (222 women) disclosed that they had dependent children. For over a fifth of these women, their children were five years old or under.
- The use of custody could be reduced if suitable accommodation was made available. When bail is refused, children may not be taken into account as they should be. Where the defendant is pregnant, this should also be taken into account. The impact of maternal imprisonment can be particularly traumatic for dependent children of foreign national women.
- Foreign national women report feeling more isolated and less safe in custody than British women, except those supported by specialist services such as Hibiscus, who report tangible gains. Prisons face significant challenges in meeting the needs of foreign national women and trafficked women in prison, due to a lack of information about prisoners before their arrival, the churn of women serving short sentences and a lack of resources for 'non-core' activities.
- Where foreign national women are released from prison with no recourse to public funds and no right to work, probation services rely on charitable organisations to offer support, which is often unavailable. It may be impossible for these women to escape a cycle of reoffending linked to their own or their children's survival.
- Criminal justice and immigration agencies should consider the dependent children of foreign national women, both in relation to establishing the strength of community ties and to take account of the impact on any children of their mother's imprisonment. The barriers that can deter foreign national women from disclosing that they have children need to be understood and tackled. Children's best interests should be taken into account throughout the criminal justice process.
- The cross-government work to improve accommodation provision for women offenders and those at risk of offending must respond to the specific needs of foreign national women and trafficked women, including those with dependent children. This must include supported 'safe house' accommodation where needed, to reduce remands into custody.

Pregnancy and birth

In Hibiscus' qualitative analysis of the 76 women who disclosed that they had children, ten gave birth and/or were pregnant while in prison.

Women from minority ethnic groups are overrepresented amongst those who require perinatal care in prison, with a high proportion being foreign nationals. In their report 'All Babies Count', the NSPCC and Barnardo's recommend further research into the experience and needs of foreign national prisoners who are pregnant or have babies in prison, and how these can be met.

It has been suggested that there is inconsistent practice in admissions to Mother and Baby Units (MBU). Foreign national prisoners may be more likely to apply for an MBU place as they are more likely to be serving longer sentences and kinship care is less likely to be available to them, as is a safety net of social services in their country of origin. They make up a disproportionate number of pregnant women arriving in prison and where they have to give birth in custody they can rarely have a family member as a birthing partner. This is especially troubling where pregnancy results from rape or enforced prostitution.

Birth Companions' Birth Charter for Women in Prison recommends that women without family, or whose family and friends live too far away to attend the birth, should have access to an alternative source of support. Prison officers assigned to escort women to hospital should receive training or

guidance and should only be present during labour if invited by the woman. However these recommendations are not always adhered to; in a recent television interview, a foreign national woman who gave birth while on remand reported officers being in the room uninvited while she was in labour, with no one to support her.

Foreign national women who are not eligible for child benefit may be unable to purchase essential items for their babies. These are women whose family probably live abroad and may be unable to send baby clothes and other items.

Dependent children and family contact

Minority ethnic and foreign national women are more likely to report that they have not had a visit during their first week in prison, compared with white and British women. An in-depth study of foreign national women prisoners found no evidence that account was taken of children's wellbeing with regard to arrest, bail and facilitation of contact. Thirty-eight per cent of the women in prison in Hibiscus' quantitative analysis disclosed that they had dependent children. A fifth of these women (21%) said their children were aged five years or under; half did not confirm their children's ages. Nearly two thirds either did not have children or did not wish to disclose this.

Of those who disclosed that they had dependent children, more than half (54%) said that their children were in the UK, while 28% said their children were living abroad. Nearly a fifth (19%) of women did not want to say where their children were living. Amongst the women who did disclose this, over half (55%) said that their children were living with family members. Of those whose children were living in the UK, 16% were in care.

Although this analysis concerns a small number of women, the data reflect wider evidence about mothers in prison which suggests that 54% of children with mothers in prison are cared for by family or friends (25% by grandmothers and 29% by other family members or friends), while 12% are taken into care. Hibiscus' experience is that the children of foreign national women in prison are more likely to be taken into care.

Maintaining contact with children can be difficult, often involving high travel costs because of the locations of women's prisons, some with very poor transport links. Whilst there is the possibility of accumulated visits, in reality visits may be too traumatic for children and many women have no contact with their children between arrest and deportation. Prison Service Instructions allow for adjustments to facilitate family contact including telephone access and visits. However in HMP Bronzefield foreign national women received only one free, seven-minute phone call each month and for some the prohibitive cost of making calls made it very difficult to maintain contact with family abroad. For prisoners whose children are living in their country of origin the experience of separation can be particularly traumatic due to concerns about their safety and wellbeing.

Hibiscus staff have observed a particularly strong stigma attached to imprisonment among many foreign national women, especially African, Eastern European or Asian women, making them reluctant to contact their families and disclose their imprisonment. This contributes to feelings of isolation and adds to challenges upon release. These findings are reinforced in research about Muslim women, some of whom may be foreign nationals.

Most of the women we spoke to had dependent children and the impact of their imprisonment on the children weighed heavily upon them. None felt that their children's best interests had been taken into account in decisions by the police or courts. Separation during police custody or imprisonment was traumatic at the time and had a longer term, negative effect. One woman, convicted of cultivating cannabis, spent 3½ years in prison. At the time she had three children, aged between six and 18 years. She described the trauma of separation and her feelings of guilt:

I always crying I don't eat for a few day. I don't do nothing... I keep crying every day for my daughter and all my earn I spend on the phone with her ...

...my ex-husband ... a lot of time he late...I crying as my daughter have to stay ... 6 years old ...stay up to 6 o'clock, so every day I really don't want to live, to be honest. Up to now I still upset about that. I think I don't know why my life they turned right...upside down now.

Long after her release from prison, this woman continued to find it hard to face the world and had suicidal thoughts. Another woman, who was born in Nigeria but had lived in the UK since she was a young child, described the long-term impact on her family:

Being in prison you lose a lot of things. It's not just your kids that you lose. You actually lose yourself...you are no longer the same person as you were before. You're afraid. Any little things, you start jumping. You have nightmares...Even your kids will jump as well. It's not fair... it's going to be with them for the rest of their life.

Ifede's story - Maternal imprisonment

Ifede is a Nigerian woman who was convicted of fraud and served three months in prison. Her son was doing his GCSEs at the time of her imprisonment. She told us:

Somebody send money to me, abroad, and I have to go and collect it and my passport was in Home Office...so I have to get an extra passport and show my face...and they arrested me. And I said 'yes, it's true I did it'...

I know that I made a mistake...but it's not something that you're supposed to send me to prison. My son was doing his GCSE exam...The parents saw me on that day when they arrested me...took care of my son. They took me to prison. We thought that I would come back. They sentenced me for three months.

My son was just...I left my home in the morning, I couldn't see him again...

Give them [mothers] ...work to do. It is better than putting them in the prison with their children at home. Nobody can take care of them like their mother, no way.

Whenever my son came to see me, oh my gosh, this is not my son I left...I was crying, I was like, 'I don't want him to come'. He said, 'I just want to see my mum'. They brought him. I couldn't recognise him again...I didn't recognise him...

Ifede faces deportation proceedings and is unable to work legally. She attends Hibiscus' specialist women's centre for support. The long-term effect of arrest and imprisonment remains with her and her son:

I'm telling you I'm really depressed. If I see police, if I hear siren...til now it is still in my body since 2006...If I hear some things now. I am not at myself at all. Everything about me just change.

My son will never forget it.

Justina's story (see below) illustrates how support from a specialist service like Hibiscus can transform outcomes for women and their children. There was general agreement amongst the women we spoke to that Hibiscus was only able to help a relatively small number of women, and that services like this should be available to all foreign national women in trouble with the law.

A number of other specialist women's services, providing equally vital support, are listed at the end of this report. Yet services like these are scarce and those that exist struggle to sustain themselves based on a patchwork of relatively short-term funding streams. Sustained investment in a network of specialist women's community services throughout the country would enable many more women like Justina to change their lives and those of their children, as well as ensuring

women are diverted away from the criminal justice system and from custody where appropriate, through the effective use of community disposals.

Justina's story - Specialist support transforms lives

Justina is an EU citizen with limited English. Her ex-partner is also an EU citizen and they have a two year old child, of whom Justina was the main carer before her arrest. Justina's ex-partner was physically abusive to her during their relationship. She was badly beaten several times and the police became involved. She obtained a restraining order but allowed her ex-partner to return to the property when she discovered he was homeless. The violence continued; on one occasion Justina's ex-partner came home drunk and started hitting her. She was scared but, unable to escape, she grabbed a knife to defend herself and stabbed him in the chest. Justina was arrested and detained on remand. She did not remember the incident and was distressed whenever she tried to recall it. Her ex-partner escaped serious injury. Justina was initially charged with grievous bodily harm but was convicted on the lesser charge of unlawful wounding and sentenced to twenty one months in prison. Upon arrest Justina agreed for her child to be taken into care. Hibiscus offered practical and emotional support, helping Justina with financial, criminal, family and immigration matters and providing language support and advocacy. While in prison, Justina struggled to cope with the consequences of her domestic abuse. She was detained by the Home Office post-sentence and served with a deportation order. Hibiscus arranged a pro bono barrister to represent Justina at her immigration hearing and worked closely with them. The charity approached an immigration solicitor for help in applying for immigration bail and finding suitable accommodation. Justina was entitled to legal aid for her immigration bail hearing and her solicitor obtained exceptional case funding for the deportation proceedings.

Justina applied for immigration bail but had no suitable address. After six months of immigration detention the court approved Justina's release on immigration bail to a refuge. Hibiscus gave her financial support for essential expenses and she received specialist support at the safe house.

Justina's priority was to be reunited with her child. While she was in prison, social services could not conduct a parental assessment as had been requested by the family court. Since Justina's release, she has been in regular contact with the Hibiscus project worker who has supported her with her family and immigration proceedings, providing travel expenses for Justina to attend court hearings. The project worker accompanied Justina to the family court, where she was granted a residential order for her child.

While in the safe house Justina completed courses for victims of domestic violence and ESOL level 2. She won her appeal against deportation and is now in work. She has moved with her child into her own accommodation, where she feels safe.

Appendix Three

Summary of Recommendations from [What about me?](#)⁶⁹

UK Governments should:

- Establish a national framework for identifying and safeguarding children affected by maternal imprisonment, including improved data collection and tackling barriers to disclosure.
- Consider implementing child impact assessments to ensure that a child's needs are identified and addressed when a mother is in contact with the criminal justice system.
- Implement a presumption against the use of custodial sentences of under 12 months, as the Scottish Government has committed to do.
- Ensure measures are in place to minimise the use of imprisonment for primary carers, recognising that this is usually the mother.
- Ensure financial and practical support is available to kinship carers where children are looked after by other family members as a result of a mother's imprisonment.
- Ensure that legislation and policy recognise and mitigate impacts on children of a primary carer's contact with the criminal justice system.
- End the post-custody mandatory supervision for people on short sentences introduced by the Offender Rehabilitation Act 2014 which has dramatically increased the number of women being recalled to prison in England and Wales.
- Ensure that contractual arrangements for the support and supervision of offenders address the needs and circumstances of mothers, in accordance with s.10 Offender Rehabilitation Act 2014.
- Review the recommendations of the Farmer Review to include the women's prison population and children affected by a mother's imprisonment.
- Invest in women's centres to provide a 'one-stop' place of safety where women can receive emotional support and practical help with childcare and parenting.
- Acknowledge the benefits to children of prison visitor centres and invest in funding these effectively.
- Recognise the important role of voluntary sector organisations in providing services to children impacted by maternal imprisonment.

Media organisations should:

- Develop and adhere to a code of conduct, similar to the Norwegian model, that seeks to protect children rather than stigmatise them.
- Assess whether the reporting of certain details (especially identifying information) is necessary, in the public interest, and compatible with the child's rights and wellbeing.

Children's Commissioners should:

- Recognise and protect children affected by imprisonment, especially maternal imprisonment, as a distinct vulnerable group.
- Promote initiatives that support children with a mother in prison.
- Promote use of child rights & wellbeing impact assessments (CRWIA) in adult criminal justice processes.

Local Authority children's services should:

- Include the children of prisoners as a vulnerable group in their strategic planning especially children affected by maternal imprisonment.
- Recognise that children with a mother in prison may have multiple carers and ensure that their 'looked after' status, whether formal or informal, is acknowledged and supported.

⁶⁹ Prison Reform Trust (2018) What about me?, London: PRT

- Ensure that health, education, and social care providers are aware of the impact on children of having a mother in prison.
- Ensure that advice for kinship carers of children affected by imprisonment is routinely available.
- Link with local and regional children's and women's organisations to develop and improve local service provision for children affected by maternal imprisonment.

Police should:

- Receive training about the impact on children of witnessing their mother's arrest.
- Develop protocols for arrest when children are present in accordance with the Council of Europe directions.
- Ensure, particularly in cases where a mother is a sole carer, the safeguarding of any children affected by an arrest.
- Adopt a problem-solving approach with a focus on early intervention and diversion, recognising the likelihood of impacts on children if a woman is arrested.

Probation should:

- Ensure that a child impact assessment, highlighting the needs of (and links to support for) any dependent children, is submitted to the court in all cases where a mother is being sentenced or remanded.
- Liaise with partner agencies (e.g. social work, voluntary sector organisations) with regard to early intervention support for any children affected by the imprisonment of a mother.
- Ask about the existence of children and other dependents and what support is in place for them.
- Be aware of, and address, women's fears and other barriers to disclosure regarding whether they have children.

Sentencers should:

- Be proactive in seeking information about whether an offender has caring responsibilities.
- Request an impact assessment on any children affected to ensure that they are recognised within court processes and their best interests are taken into account.
- Be made aware of the serious impact on children when a mother is remanded or sentenced to custody, and of specific consequences in each case.
- Avoid remanding a woman to prison when a custodial sentence is unlikely.
- Make every effort to divert women away from prison.
- Provide the opportunity for a mother to make necessary care arrangements for her children before entering prison.

Prison services should:

- Collect accurate data on the children of women in prison, and ensure it is sensitively used to support children affected, in accordance with Rule 7 of the 2015 UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and the UN Bangkok Rules.
- Ensure that all staff receive training about the specific impacts on children of having a mother in prison and the impacts of separation on the mothers themselves.
- Take account of the location of imprisonment in relation to the child's place of residence.
- Ensure that the rights and wellbeing of children are considered in decisions about release on temporary licence for child resettlement. The policies and prison instructions should be clear about the benefits of, and entitlement to apply for, this leave.
- Support the development of programmes such as HMP Eastwood Park's 'Visiting Mum' programme that alleviate the impact of visiting a prison on children.

Prison governors should:

- Seek information about children affected when a mother enters prison, and routinely throughout her sentence, to ensure appropriate support for both the woman and her children.

- Foster links with services in the community and in-prison initiatives that offer support to children.
- Mitigate as many practical barriers as possible to children having contact with their imprisoned mother, e.g. affordable outgoing calls from prison and the option of mothers receive incoming calls directly from their children; and the use of video links.
- Ensure that search procedures are carried out in a manner which causes minimum distress to children.
- Ensure that visits are recognised as the right of the child, as is the case in Scottish prisons, rather than as a privilege for their mother's good behaviour or the length or status of her sentence.
- Expand the availability of child-centred visits (or family days) and ensure that these are at times that are suitable for children and young people.
- Ensure that video links are available to supplement face to face visits, particularly where children are separated from their mothers by considerable distances.
- Encourage and facilitate access to ROTL and child resettlement.
- Ensure that women are informed about mother and baby units at the earliest opportunity and that applications are considered expeditiously.
- Facilitate the provision of family law clinics, such as those being run by Prisoners' Advice Service and Rights of Women in some women's prisons.
- Provide parenting support as a core element of support available to women in prison.
- Offer induction visits whereby children are able to see where their mother is living and ask questions about her daily routine.
- Consider overnight facilities to enhance visiting opportunities for children with their mothers.
- Support imprisoned mothers to be involved in their children's daily lives and facilitate this where possible, e.g. through enabling contact with the child's school.

Child and Family social workers should:

- Ensure that children affected by maternal imprisonment receive consistent support throughout a mother's sentence.
- Take children's ages and circumstances into account, without assuming that a child is able to look after themselves because they are legally an adult.
- Ensure that they liaise effectively with the mother's criminal justice social worker (Scotland) or probation officer / offender manager (England, Northern Ireland, and Wales).
- Take children's own views into consideration when making decisions around safeguarding and provide opportunities for decisions about contact to be reviewed.
- Meet with a child's imprisoned mother when considering contact arrangements.
- Ensure that the same contact conditions are adhered to when a mother is in prison as were in place in the community, unless this is against the best interest of the child.
- Ensure that mothers in prison receive all relevant paperwork and a timely invitation to supervision and care proceedings concerning their children.
- Ensure that children are offered the opportunity of visiting their mother in prison as soon as possible.

Schools should:

- Ensure that all staff are aware and trained in how to deal with issues around parental imprisonment, and that children with a mother in prison receive appropriate support.
- Actively seek to reduce the stigma, shame, and bullying commonly experienced by children with a mother in prison, e.g. by raising awareness through the curriculum or assemblies, having school 'champions' who are trained in how to support children affected, etc.
- Support teachers in encouraging imprisoned mothers to be involved in their children's education (e.g. sending copies of school reports, telephone or video links for parents' evenings, etc.).

- Support ongoing contact between mothers in prison and their children where appropriate (e.g. sending copies of school work, authorising visits to prison and offering support to children following these visits).
- Refer children experiencing severe anxiety or trauma resulting from maternal imprisonment to appropriate support.

Organisations working with children and families affected by imprisonment should:

- Recognise the particular needs of children with a mother in prison and offer specific support services.
- Ensure that their support services are effectively advertised within women's prisons and to statutory and voluntary organisations working with children.

Other **organisations working with children** should:

- Recognise that children with a mother in prison are particularly vulnerable and may require referral to specialist organisations where available and appropriate.

Criminal Justice inspectorates and regulators should:

- Monitor and report on support for children affected by maternal imprisonment, highlighting models of good practice.

National Probation Service and Community Rehabilitation Companies should:

- Consider the needs of the child in supporting a mother prior to, and on, release.
- Liaise with agencies supporting the children when a mother is approaching release, including organisations that can help with housing.

