



Joint Committee on Human Rights

Oral evidence (Virtual Proceeding): [The Government's response to Covid-19: human rights implications](#), HC 265

Monday 8 June 2020

2.30 pm

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Members present: Ms Harriet Harman (Chair); Lord Brabazon of Tara; Ms Karen Buck; Lord Dubs; Mrs Pauline Latham; Baroness Ludford; Baroness Massey of Darwen; Dean Russell; Lord Singh of Wimbledon; Lord Trimble.

Question 38

Witnesses

Children Heard and Seen (recording)¹

Q38 **Chair:** Good afternoon, and welcome to this session of the Joint Committee on Human Rights. As our name suggests, we are a parliamentary committee, and we are joint because half of us are Members of the House of Commons and half Members of the House of Lords. Our concern is human rights; we look at basic, fundamental human rights, such as the right not to be detained, the right not to be subjected to inhuman or degrading treatment, the right to freedom of speech, and suchlike.

One very basic, fundamental human right is the right to family life. In this inquiry, we are looking at the rights of children who are separated from their mother because she has been sent to prison. To introduce this session, we will hear from a grandmother who is talking about five children who she is looking after on behalf of her daughter, who has been recalled to prison. It is in the context of the fact that home visits and visits by children to their mother in prison have been cancelled because of Covid. She is talking about the impact on her grandchildren of being separated from the mother while she is in prison.

I would be grateful if the audio could be played, and I am very grateful to Children Heard and Seen, the organisation that supports children whose mothers are in prison, for recording this audio for us and for the work

¹ A recording from Children Heard and Seen was played for the first panel. The transcript was subsequently edited in order to remove details that could identify individuals.



that it does.

Ms Sara Burrows from Children Heard and Seen: Children Heard and Seen is an organisation that supports children whose parents are in prison. Currently, we are supporting 150 children whose parents are in prison, but only six children, from two families, have a mother in prison who was their primary care giver before entering custody.

The six children are from two families. The first family that you will hear has five children in it, aged 15, 13, 11, 10 and six respectively. The interviews that you will hear are with the six year-old and the 10 year-old. The 15 year-old, 13 year-old and 11 year-old decided that they did not want to be recorded, so, obviously, we respected their wishes.

The second interview is with a grandmother who is looking after her baby grandchild.

Interview with family/grandmother 1:

[Recording] My daughter and son-in-law were sent to prison 18 months ago, and my five grandchildren came to live with me. My daughter was coming home on ROTL every two weeks for five days, but we have not seen her for three and a half months now since lockdown, not even her face. This is affecting the children in a bad way, especially the youngest, aged six. He has nightmares and cries so much. We all just need to see her.

On Friday, it was our 13 year-old's birthday. The other children had Mum home for their birthdays, because three were in January and one was in March, but the 13 year-old, on the special day of her birthday, did not see Mum and could only speak to her—she could not even see her face."

[Recording] I am 10 years old and Mum has been away for 18 months. We did not go to see her because she was coming home every two weeks for five days until the virus. We have not seen her or Dad for three and a half months, not even her face. Mum phones every day. I cannot explain how it makes me feel. It makes me feel sad and confused.

[Recording] I miss my mum. I want to hug her, and I miss her so much.

Interview with family/grandmother 2:

[Recording] I have been invited to answer two short but powerful questions on the impact of separation on my young grandson from his mother, my daughter.

The first question is this:

Whilst most older children can speak to their mums on the phone while visits to prisons are banned, an eleven month old baby is unable to do this.

What effect do you think not being able to visit their mum has had on your grandchild?

The second question: have you noticed any changes in their behaviour?



As both questions link to answers that go hand in hand, I will answer them both simultaneously.

My daughter was recalled this year for a license breach just prior to Coronavirus gaining the momentum it did. A police officer visited our family home at 1am where she was sleeping with her son, then aged 9 months. The separation was traumatic and invasive. She hugged on tightly to her baby son and could not part with him. There was impatience from the officer and so reluctantly I stepped in and persuaded her to give her baby to me.

There was also another child involved; my daughter's younger sibling who also witnessed the very distressing recall process. Although I will not delve into their experience, it is only right I mention that they have struggled with flashbacks, nightmares and anxiety surrounding what happened that night.

My daughter was told it would be a 28 fixed term day recall and my attention was invested in solely maintaining stability for my grandson and supporting my daughter through being apart from her son for what I believed would be 28 days.

I would like to add that my daughter had been with her son every day since his birth and they had never been apart. She was and is her son's primary care giver and primary attachment figure. These are not words I use lightly. They had and I hope still have a deep and very strong, personal and loving bond, the type you'd hope any mother would share and build with their baby, and the type that leads to a happy, well-adjusted child.

A week passed before I was able to visit my daughter with her baby son to prison. There was a small delay when he first lay eyes on her after so long and then he burst in to tears on recognizing who she was. I will not forget this. Obviously my daughter cried and cried, but his tears were those of recognition of someone he loved deeply who was missing but now found. They told of the deep attachment that he had for his mum and one, which was undoubtedly still needed.

With regards to other behaviour changes, just after her recall and the one visit we had, he would crawl purposefully from room to room in our house whining and making what I can only describe as calling noises. I could not ask him if he was looking for mummy but there was no question in mind that he was.

We had another visit booked for the following week but this was cancelled along with every other prison visit in the UK. It was at this time, we found out that the application for her 28 day recall had not been approved. My daughter then requested an application form from the Mother and Baby Unit there but was told that you can only ever apply once and any application would absolutely not be considered. This was despite her still serving the same sentence and despite the very positive reports she received on the unit last with her son.

Incidentally two months on, we found out through HMPPS that (quote) 'MBU admissions processes remain in place albeit in virtual format and those that have previously applied are not precluded from doing so again' On raising this, the MBU then clarified there had been a misunderstanding and an error made on



their part but two more months of separation had since passed. Since then she has been allowed to submit an application and she recently sat the board meeting for an MBU placement. Three days of waiting later, she found out the placement was refused. This was despite the positive support for a place from the social worker and despite the fact there were at least 5 rooms available on the unit.

The MBU refusal reasons given centered around the suspension of Parole Board hearings due to Covid-19 and consequent unknowns around hearing and potential release dates. At best she was given a 7 month time frame for a hearing. She was also told, due to Covid-19, she would have had to isolate with her son in one room for 14 days with no other human contact. This raised many concerns, and ultimately would not be seen in the best interests of the child. In sum, the reasons for the refusal were related solely to things to do with pragmatics of hearing dates and the impact of coronavirus on policies involving isolation of new arrivals. It does make me wonder if there have been any success stories surrounding mothers being allowed their babies after a separation on Mother and Baby Units during the Coronavirus pandemic. It also seems a cruel irony that mothers and babies at this time were being released from MBUs due to Covid-19, hence possibly the volume of available places.

So what has there been for my grandson to help him remember who his mummy is? What indeed has been on offer for her to help her through the suffering of being separated suddenly from her only son and to maintain the bond they had? Extra pin/phone credit to prisoners was and still is the answer given. Yet this is of little comfort for my grandson who is without verbal language and cannot talk and for whom the words, 'I love you' are yet to hold meaning. Yes my daughter phones as much as she is able and all I will tell her truthfully that he is smiling when he hears her voice. But without language, I cannot explain where mummy is or why she cannot bath or feed him anymore. Without language he cannot communicate with her and conversation can only be one sided.

Recently he started saying mama and his first few words but getting him to perform these down a phone and not to a real person is difficult. When he does my daughter cries both tears of joy and deep sadness. They have now not seen each other for nearly three months.

If he could talk, he would ask to see his mummy and then he would want to show her how he can now stand on his own, how he has a full row of front teeth and how he is beginning to make his first steps. The technology exists for video calls but yet this has been denied to prisoners like my daughter and my grandson. Yet this undoubtedly would somewhat make up for the visits they haven't been able to have. A video call would help my grandson to remember who mummy is and that bond could be somewhat re-ignited. This is absolutely crucial for their relationship long term and for that day when they are re-united. I, his grandmother have become his primary caregiver but it was a role forced on me. I want to hand this baton rightfully back to her but it won't be easy for him. He must be given the chance to remember who his mummy and to see her familiar face once again. Currently he is being denied this right and the 'best interests of the child' seem to get no look in.



HOUSES OF PARLIAMENT

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I am aware some prisons are piloting the use of video-calls but my daughter's prison is yet to be one of these. I have also heard that when social visits are eventually reinstated, there may be screens used between prisoners and visitors and other measures to allow visitors and prisoners to maintain social distance. The thought that a separated mother and child would only be allowed to see each other through a piece of hard plastic or at a distance, and not be allowed to hug or hold one another's hand is a punishment I would rather not witness.

In the meantime I have signed up to Prison Voice-mail, which allows my daughter to leave a message for her son and for me to record his babbling for her. This has been of some comfort but I found I could not play my grandson the recording of mummy singing Happy Birthday to him through tears down an empty phone line on his birthday this morning. He turned one today and today more than ever, the pain of separation has almost been too much to bear.

The ongoing separation from her young son has been by far the most harrowing and distressing part of her recall and the new sentence she now seems to serve. And yet it is a sentence that no mother should have to endure let alone her child.

I would like to read out the card she sent him for his birthday from mother to son:

A year ago today you were brought into the world, my little chunk with bright blue eyes, the most gorgeous long eyelashes, a little button nose and the most perfect pouty lips I have ever seen. The day I had you something inside me changed, all I have ever wanted since then is to love and care for you unconditionally. Nothing will ever compare to the way you look at me and the bond we have with each other. No one can take that away from us.

I remember when you were in mummy's tummy and I used to sing Edelweiss to you and I'll forever cherish the times before your bedtime when we had cuddles and we'd listen to Elvis's 'cant help falling in love' and I couldn't help but burst in to tears when I heard it recently.

You're the light of my life and I promise with all my heart that everything I will ever do is so that you can have the best life filled with happiness and people that love you. I can't wait to make more of the best memories with you and to watch you grow in to the amazing, intelligent, perfect little boy in the world. You have mummy's whole heart forever and always and nothing or no one can ever change that,

Love and the biggest kisses and cuddles from Mama