



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence: [The right to family life: children whose mothers are in prison](#), HC 1610

Wednesday 6 March 2019

Written evidence from witnesses:

- [Lucy Baldwin](#)
- [Dr Laura Abbott](#)

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Members present: Harriet Harman (Chair); Fiona Bruce; Ms Karen Buck; Joanna Cherry; Baroness Hamwee; Baroness Lawrence of Clarendon; Jeremy Lefroy; Scott Mann; Baroness Nicholson of Winterbourne; Baroness Prosser; Lord Trimble; Lord Woolf.

Questions 27–43

Lucy Baldwin, Senior Academic and Researcher, De Montfort University; **Stuart Harrington**, National Information Centre on Children of Offenders, Barnardo's; **Dr Samantha Callan**, Adviser to Lord Farmer.

Naomi Delap, Director, Birth Companions; **Dr Laura Abbott**, Senior Lecturer, Department of Allied Health and Midwifery, University of Hertfordshire.

Examination of witnesses

Lucy Baldwin, Stuart Harrington and Dr Samantha Callan.

Q27 **Chair:** Welcome and thank you very much for joining us. We are the Joint Committee on Human Rights, which means half of us are Members of the House of Commons and half of us are Members of the House of Lords. As our name suggests, we are concerned with human rights.

The human right we are concerned with in this inquiry is the right to family life, which is Article 8, specifically the right to family life of children and mothers where the mother is sentenced to prison. That is the framework for our questions. We are very grateful to all three of you, who have a huge wealth of academic, personal and field experience on this issue for to hear in this inquiry. Thank you very much indeed for joining us.

Q28 Ms Karen Buck MP: Thank you all very much for coming. I am sure you will be aware that at the start of this inquiry we heard some very compelling evidence from children and families following mothers being sent to prison that explained very powerfully the impact that imprisonment had on the children, both in the very short term during the imprisonment at the time of sentencing but also with some of the longer-term effects. I wonder if you could help us to understand what academic research there is that helps us understand better the tracking of the experience for children when their mothers are imprisoned.

Lucy Baldwin: Thank you very much. It is particularly important that we understand sentencing. We have to start there, because if we get it right for the women and the mothers we are much more likely to get it right for the children. I recently conducted a piece of research into the impact of short sentences. Often there is an assumption that a short sentence causes little harm because of the short period of time, but quite the opposite is true. The short sentences cause just as much harm as the longer-term sentences do, in fact sometimes more.

There is a wealth of research, going back 30 years, into the experiences of women and their children that identifies, first, that the majority of women who are sent to prison should not be there because their crimes are so minor that custody was perhaps not the most appropriate option, and, secondly, that the impact on their children and families is disproportionate in relation to men.

I do have to take exception with respect to the representative from the Sentencing Council who felt that a presumption against short sentences would have nothing different to offer. I would beg to differ based on 30 years' experience as a social worker.

Ms Karen Buck MP: I really value what you say, but I do not want to get too much into sentencing if that is okay. It is incredibly important, but impact is the focus of my question.

Lucy Baldwin: I will read you something that is just from the children in my research about the impact on them. I am just talking about 17 mums and 50 children in the short-sentence report, and, from other research projects that I am involved in, 46 mums and grandmothers and 150 children. I listed the things that had happened to them. Not a single child was unscathed by the experience. Many were displaced from their own

homes. Many were in multiple homes, because quite often siblings are separated and have to be in different households. Schooling is interrupted or even permanently ended.

In one report, three 17 year-olds left full-time education to care for siblings who were unsupported. Their life chances were for ever altered because of very short sentences for their mothers. There were teenagers who were sofa-surfing because of a lack of supervision. There were teenagers who joined gangs. Two 16-year-old girls got pregnant, whose mothers felt they would never have got pregnant without the sentence.

Mums sometimes make protective decisions not to have their children visit. That is because, as we know, they are so far away from home that sometimes the cost of travelling 60 to 150 miles with two or three children on public transport is prohibitive. Sometimes mums say, "I am not going to put my children through that, so I will not see them". Sometimes there is a complete break in contact, which happens less in the male estate.

There are completely broken bonds. There are changed family relationships with carers, because there is an emotional tug-of-war sometimes between children. There is sometimes a refusal to hand children back. We have children who suffer from anxiety, PTSD from police raids and unprepared separations where mums have not necessarily known that they were going to go into custody, so the children have had no idea that that was going to happen. They may have been dropped at school. That is not unusual.

I had two mums, just in this research, who absconded from court purely and simply because they wanted to ensure, first, that they were able to say goodbye to their children and, secondly, that their children would be cared for by family as opposed to being taken by social services.

Then we have children whose mothers have been reported, the permanent removal of children, children who have then gone to live in an MBU, babies born in a prison cell, the self-harm of children, the suicide attempt of a 13 year-old child, a mother who died in a prison cell and a mother of a four month-old baby who took her life on release. That is just from that small sample. Sadly, that is quite representative. We hear that consistently.

Ms Karen Buck MP: Thank you. I am sure there will be more detailed questions on some of those issues in a minute. Could I ask the other panel members to give a top-line response?

Stuart Harrington: I probably agree with what Lucy has said. We are now getting more and more evidence about the long-term impact, particularly on the children, rather than the short-term immediate impact. A lot of research has been done on ACEs, the adverse childhood experiences. It is well established that these can have a profound negative impact in later life. Imprisonment of a parent is recognised as an adverse childhood experience. It is also recognised that the majority of children who have a parent in prison are suffering from other adverse

childhood experiences, such as poverty and separation issues, which Lucy spoke about.

All these things—bullying at school, et cetera—are going to have similar long-term effects. There is this common belief that children are very resilient. Often, we need to understand that it is not actually resilience that we are watching, it is a withdrawal. Even though they are not exhibiting the outrageous behaviours that can lead people to think that they are suffering, there is a withdrawal. It is now recognised that these things come out in later life.

Dr Samantha Callan: There is such richness in what Stuart and Lucy have already said. Barnardo's and Lucy have contributed so much to the Farmer review on female offenders that I just want to put what I am going to say in context. I think it would be very helpful. Thankfully, almost every recommendation from the original Farmer review is being implemented for the male estate. The review was very much about strengthening men's family ties to prevent re-offending and intergenerational crime, and it was very much focused on men in prison. We learned from the female estate that that was our unit of analysis. Similarly, the follow-on Farmer review, whatever we are going to call it, is about helping women wherever they are in the criminal justice system to strengthen, where possible and where appropriate, their family ties to prevent reoffending and intergenerational crime. It is a little different; we are not focusing on the children, we are very much focusing on the women in front of us, but the great thing about this new review is that we have been asked by the Ministry of Justice to go beyond prisons and to look at community orders and diversion.

That means we have been given permission by the Government to make recommendations that will have implications for the Department for Education, MHCLG and other departments, and puts what we are doing in a slightly different context that is not so much about rights as how we can deliver better outcomes by providing a much better climate so that these issues are understood right through the criminal justice system.

Ms Karen Buck MP: Before I ask you my other question, it strikes me, listening to you, that you know a lot more about this than the Ministry of Justice seems to know. Again, it has been quite striking in taking evidence how little information is held in the system about the numbers of children that parents have, their ages, circumstances and so forth. Does that strike you?

Lucy Baldwin: It does. It is probably the biggest issue, because in order for us to respond appropriately and support people, we have to know the extent of the problem. While we need a systematic approach to collecting the data, we do not need a systematic approach to support. We have to be flexible and client-led and work on an individual basis. We absolutely need to get much, much better at collecting and collating the evidence.

Ms Karen Buck MP: Why do you think that does not happen?

Stuart Harrington: One of the issues we are coming across is that, in order to get that information, there was a reliance on the carer to self-disclose. There is no automatic way at the moment of identifying children of offenders. For instance, in the guidance from central government to local authorities, children of offenders are not listed in local authority safeguarding guidance as a vulnerable group themselves. There is a reliance on someone coming forward and saying, "I have a child. Their parent is in prison. We need your help".

There is a huge reluctance in people to come forward for a variety of reasons. It may be stigma. It may be fear that children are going to be taken away and put into care if they are being looked after by grandparents or if the remaining carer is struggling. We feel that the way forward is to develop a culture, be it multi-agency working, where people feel safe to come forward to have the children supported, rather than suffer stigma or fear of the negative outcomes for that child.

Lucy Baldwin: It needs to be done much sooner than that, because we are missing opportunities, particularly in court. Under the Bangkok Rules and the guidelines in the Human Rights Act, the magistrates are meant to take account of the children, but that opportunity is being missed at the minute

Ms Karen Buck MP: That is very, very helpful.

Dr Samantha Callan: Similarly, one of the things we are looking at in the follow-on Farmer review is how we can start to collect information from the very moment a woman has contact with the criminal justice system. If she is being diverted away from the court for an offence, how can we find out as much as we can in a gentle way without being overly intrusive and trampling on sensitivities?

We are a highly technological society now. We heard about a successful pilot in Warrington that facilitates information-sharing through something called ECINs, which is one of these awful anagrams—the empowering communities inclusion and neighbourhood management system. I believe it is a national system. In the pilot, trusted organisations such as the police and local authorities own a licence to input information on a person, and they grant access to partner organisations, statutory and non-statutory, such as voluntary sector organisations like Pact and victim support.

Different organisations get different levels of access, depending on their need to know. If a woman has just begun to work with an organisation, perhaps a women's centre, they can send that woman's name in and ask who else is working with her. She has to give consent unless there is a clear safeguarding issue, in which case it is slightly different. The idea is that everyone pools information. We are keen that it is the basis for a much more rigorous way of a woman's biography, if you like, following her through the system.

I know we have talked about pre-sentence reports in other hearings, but they are absolutely essential. There are far fewer women going through

the courts, as we know. When a judge asks for a pre-sentence report, something much more comprehensive than the quick ones is needed.

Ms Karen Buck MP: There will be some more questions on this area in a minute.

Dr Samantha Callan: That is fine.

Ms Karen Buck MP: I am going to ask one more question, but because there are a lot more, please do not feel that you need to expand greatly on answering. Going back to the point about sentencing, should there be a stronger presumption in sentencing against sending a mother or primary carer to prison?

Lucy Baldwin: Absolutely there should be, 100%.

Dr Samantha Callan: With both the original and the follow-on Farmer review we have steered clear of sentencing. There are at least 20 mitigating factors; being a primary carer is one of them, be it male or female. It is encouraging that the Sentencing Council—I think it was Lord Justice Holroyde—has said that there is going to be a consultation on expanded explanations and sentencing guidelines, and we now have something on pregnancy. Things are moving in the right direction.

We have said throughout the follow-on review that we are completely in support of the Ministry of Justice's push towards more women being dealt with in the community, but when you talk to someone like the governor of Send, that prison is full of women who do need to be in prison. I know it is an unfashionable thing to say, but we have to be very careful. We take a slightly different view from Justice Holroyde's evidence, but that is not really what the Farmer review is about.

Q29 Chair: Can I follow up with a couple of points arising from that? Does the Ministry of Justice not keep regularly updated the information about how many women in prison have dependent children? We have been given a figure that apparently was a snapshot by the Howard League a while ago, which says that 17,000 children are separated from their mother by their imprisonment over a year, which seems an awful lot of children. Is the Ministry of Justice really not collecting that information? That is the first point.

The second point is whether it is true that the Ministry of Justice does not realise, and that somehow women are concealing in a very determined way, that they have children. Are they keeping their children secret, so the system does not know about them? It seems amazing to me, when we think of the question of imprisoning a woman whose role is the primary carer of a child, that the Government and the authorities do not even know how many children they are separating from their mothers, leaving aside the agencies that then deal with those children in their local communities.

Stuart Harrington: I will answer the first part of your question very briefly. The very brief answer is no, the Ministry of Justice does not collect those figures routinely. The question is asked upon reception, when a prisoner goes into prison on that first occasion. It may be the first time they have seen a prison officer or a prison, and they are asked a battery of questions. How they answer those questions depends on a lot of circumstances, which Lucy is going to expand on.

Chair: But if they are asked that question, aside from the ones that are being deliberately deceiving about it, is that information then not collected? They are asked, "Have you got any children? If so, how many and what are their ages?"

Lucy Baldwin: The point is that the information does not go anywhere. It is collected inconsistently, both in courts and in prisons, and when it is collected it is not necessarily fed into any kind of central record. The Ministry of Justice tried to collate a record of the number of mothers with dependent children, and that information is identified in the Prison Reform Trust work on the sentencing of mothers. It came up with a much lower figure than other figures that have been reported.

To answer the second question about whether mothers deliberately withhold information, yes, they do. Anecdotally, in my research, women have categorically said, "I am reluctant to reveal that I have children, because that exposes me to a whole other area of surveillance". Mothers have actually told me that they have spoken to their legal advisers, who have said, "Do not bring up the fact that you have children in court, because then the judge will say you are a bad mother and he is more likely to sentence you to custody". That is backed up in evidence. If a magistrate or a judge perceives somebody to be a bad mother, they are much more likely to be sentenced to a custodial sentence than someone they perceive as a good mother.

There are lots and lots of factors that are relevant in relation to sentencing, but mothers are very mistrustful of criminal justice and social services agencies because of their feeling that they are a bad mother, their fear of being labelled a bad mother and the consequences for their children.

Chair: Can I just ask a question on the sentencing point, which Karen asked about? In the family justice system, the absolute overriding priority is the best interests of the child. Is it a bit odd that when you are a child in the family justice system your interests as a child are the overriding priority, but in the criminal justice system your interests are not? In fact, they are so little a priority that they do not even bother to count up the numbers.

Should the criminal justice system adopt the family justice system of prioritising the best interests of the child specifically when they come to the sentencing, leaving aside the mothers who are concealing the fact that they have children? Arguably, if that was the sentencing regime, mothers would be less inclined to conceal their children, because they

would know that the children were going to be actively taken into account, and not just into account; they would be the priority. Why do we have one system for children in the family justice system and quite another in the criminal justice system?

Lucy Baldwin: You are quite right. It is an absolute anomaly. Shona Minson has done some research about how we view those things differently. The criminal justice courts need to adopt a similar approach to the family courts in relation to the priority of the child. Georgia's evidence, from Children Heard and Seen, was extremely powerful when she said that she would like the sentencers to be mindful and imagine that the children were in the room when they were sentencing and think about what the impact would be on them.

That is really important, because the facts are that, under the Bangkok Rules and the sentencing guidelines, magistrates—it is magistrates who predominantly sentence mothers—are meant to account for the children, but in reality they sadly do not always, or we would not have mothers in prison for stealing nappies and formula, as I have in my report, or for non-payment of council tax as a first offence.

Rhona Epstein did a piece of research in 2012 that looked at how often judges take into account the views of children and the presence of children in their sentencing decisions. That report is depressing, because the majority by far did not take the children into account. We need to go further than the current sentencing guidelines. We need to be much more authoritative in relation to sentencing and the advice and guidance that we give to magistrates.

Q30 Scott Mann MP: I find it quite incredible that we do not share that information. That should be done when informing local children's services or the local school, and I would like your opinion about whether you think that should happen.

Also, in terms of statistical data, we could then analyse how services are being provided in different areas around the country. If that data was available, do you think it should be shared widely?

Lucy Baldwin: We have to be really careful in how we respond to this. There have been discussions previously about whether the children of prisoners come under the Section 17 legislation and be classed as children in need. We have to be very cautious about that, first because of the numbers and the pressure that would put on social services but, more importantly, because children of prisoners are already stigmatised and there is no one size fits all.

We cannot pathologise the children because they have a parent in prison. There are lots of children who need support in lots of circumstances, but we do not ask them to be part of the Section 17 assessment procedures. There are children who have lost a parent through death or suicide. We would not necessarily ask for them to come under the Section 17

legislation. We have to be cautious, because they are already stigmatised. You can support children and families without the stigmatisation.

Stuart Harrington: We find pockets of very good practice around the country, and when we dig down and find out why it is working so well, it goes back to what Samantha said earlier; it is where you have a multi-agency approach. It can start with one agency. It quite often starts with a prison that has a families lead who makes contact with the local school, because that local school has a lot of the children whose parents are in that particular prison and they start working together. They might be doing homework clubs and exchanging ideas, Hidden Sentence training and all this mutual work. Often the local authority will get involved and all of a sudden it grows and the police can get involved, and you then have a formal multi-agency approach.

In Bristol, for instance, they have a monthly meeting where representatives from prison, probation, the police, schools, children's services, et cetera, all come together. Each of those agencies in that area has a single point of contact who, as I said earlier, can raise the issue. They can say things like, "We have come across a family, the dad is in prison, the mum is in prison, and these are the issues". It is about saying, "You need to know this," and "You need to know this", and you disclose the information in a thoughtful way, with permission. It is not just being thrown out there for everyone to go through. It is being done in a way that is supportive. You then have a system that the families trust. That is crucial, because if the families do not trust the system they are not going to engage with it.

Dr Samantha Callan: I completely agree. We have to share information. That was the big lesson from Troubled Families, was it not? If we are really going to make a difference and help families to turn their lives around, we have to get better at sharing the right information.

There are things we can learn from. I do not know if the Committee is aware of Operation Encompass. When a child is a witness, where there is domestic abuse the police will contact the school and the designated safeguarding lead—the key adult in the school—will find out about it straight from the police and will be there waiting, perhaps, when the child arrives, or at least will be able to get them out of registration or an early class and just say, "How are you doing? Can we help?"

The kindness that can be extended when people do know what is going on is really important. Schools authorising absences when a child visits their mum or dad in prison is absolutely essential, so that they are working with the grain of what prisons are trying to do by involving schools, homework clubs, et cetera.

Finally, we have a dearth of family support more generally in this country. Something we will be talking about in the review is the importance of early help and of family hubs. We know from what we are hearing about knife crime that so many families are crying out for help, but you cannot get it unless you reach some very high threshold. I completely agree with

what Lucy is saying. If the only way you get help is Section 17 of the Children Act, there is a problem there. We need to make it far more likely that you can walk in somewhere or be referred somewhere in a non-stigmatising way, whatever you are needing help with, including, "I am really struggling. I am looking after a child on my own while the other parent is in prison".

It is just far more common. We have universal health and universal education in this country, but we do not have universal family support. Universal family support would help take some of the need away from all that we ask teachers to do and many of the public health challenges we are facing.

Scott Mann MP: If the justice system had a ready reckoning or a guide for addressing how this looks, what should that look like? Should it be uniform across the country?

Dr Samantha Callan: It depends which bit of the system we are talking about, but governors' autonomy is really important. We should be moving far more towards that. We were talking about how the Families and Significant Others strategy is now imposed and every governor has to produce a Families and Significant Others strategy. Stuart knows far more about how well that is going across the country. There is a lot of discretion for governors in how they produce their strategy, but they have to produce one. That is progress.

Stuart Harrington: It genuinely is an improving picture within prisons. What we want to do is to support the culture. This is particularly true in the female estate—the idea that family and the importance of family is at the forefront of any decision that the prison makes: "We are going to bring in this policy. How would that affect the life of our prisoners?"

Prisons will quite happily do a security risk assessment on everything. We would encourage them also to do a family assessment on everything that they do. Look at a child's journey and the way a child goes into a prison on a visit. What are they going through? What is it like when you, for instance, are thinking about introducing sniffer dogs into a prison? What we do not realise is that to a child a sniffer dog is three times larger than it is to an adult. It is about looking at the picture through the child's eyes and supporting those relationships.

Lucy Baldwin: Going back to what Samantha said about community, it is really important that some of those resources are really well established and well funded in the communities before anybody goes to prison. Quite often if a mum is accessing a women's centre for acupuncture or art or whatever—women's centres do lots of different things—if she or her partner goes to prison, because she is already engaged in that service she is much more likely to utilise that support as a support for her and her child if imprisonment becomes relevant to the family. It is about having community resources for families that will pick up some of the slack if parental imprisonment becomes a feature.

Stuart Harrington: If I could just go back to the point that you made, the direction instructions for what to do are very straightforward, because these pockets of good practice do exist. We are not asking anyone to do anything that is not already being done. All we need to do is examine good practice, find out why it is good practice and copy it.

Scott Mann MP: The Children's Act was mentioned a second ago. Are children whose mothers or primary carers are in prison viewed as children in need under the Children's Act? Should this group be routinely assessed to find out whether they have supported needs in the same way that young carers do?

Lucy Baldwin: They are not currently, and my personal view is that we have to be very cautious about doing that. As I said earlier, first, it would not necessarily be practical, with 17,000 children needing an assessment and, secondly, we would be pathologising and further stigmatising children who are already vulnerable. There is a better way of doing that.

Chair: Can I just pick you up on that? I am getting confused as to whether or not we think sending the mother to prison is inevitably a traumatising experience for a child in the short, medium and long term, or whether we should not make that assumption because to do so would stigmatise or pathologise the child? Which is it? You cannot have it both ways.

Lucy Baldwin: It is both. That is the reality. There are some families who manage the stigma, the trauma and the situation. They do not necessarily need an impact statement, a full assessment and a whole social services support package.

Chair: But you only know which ones those are if you have done the impact assessment?

Lucy Baldwin: Yes, but it does not necessarily have to be under that legislation. We absolutely need to do something, and we need to know who these children are and what their needs are, but I am not sure that the current Children's Act provision is the best way to do it. Yes, we need something, but I am not sure that what we have now would be best for that. There ought to be something different.

Q31 **Baroness Hamwee:** Am I right in thinking that some local authorities do regard children in this situation as children in need? I came across some notes from a few years ago that suggested that Essex and one other did; I cannot remember which it was. Is it uniform practice or perhaps non-practice? I might have got confused with the wrong end of the stick.

Stuart Harrington: Some local authorities are better than others. Some local authorities do look at children of offenders separately as a vulnerable group. The national guidelines and national policy do not, but some individual local authorities will. That still brings us back to the first question: they only know that they are there if someone tells them. They do not have a way of finding out. They still have to be told.

Q32 Lord Woolf: Lucy mentioned the numbers that could be involved in developing and extending good practice across the board. Does it help or hinder to look at this as applying to all people who commit offences, or is it necessary to say that if you have really serious offences—ones where the mother may have to go to prison for a number of years—a different process is needed from the position where a mother goes to prison and will get only a short sentence?

With regards to mothers who commit offences of the latter type—she goes to prison only for a very short time—that is that area where the most help is needed, is it not? The biggest help you can give is not to send the mother to prison.

Lucy Baldwin: Yes. I am not necessarily an abolitionist. There are people who will inevitably end up in prison because their offence is so serious that it is the best and most appropriate option, and they have different needs. But you are right that where offences are less serious and are non-violent, which we know the majority of women's offences are, it causes more harm than good to her and her children for her to go to prison. They need a lot of support at the minute, particularly because of transforming rehabilitation, which has meant that, for many women who have gone to prison for very short periods, because it is such a short period very little can be done to identify the support needed for her or for her children, so there is no support or change. The mum comes out of prison with exactly the same situation, if not worse, as before she went to prison and then she gets recalled back to prison. Now, 29 out of 100 women are recalled back to prison, so it is an escalating problem at the moment.

Q33 Fiona Bruce MP: Thank you for coming today. Later this afternoon we are going to ask another panel about babies' mothers who are imprisoned, but I want to ask you about another cohort of children, those who are still children legally; they are under 18 but they may be 15, 16 or 17. We had quite a disturbing account from a witness in a previous session of a 15 year-old and 16 year-old brother and sister who had been left in the family home when the mother went to prison. The father had not been around.

Social services were aware of this, but they were left to run the home, manage the money, feed themselves, and pay the utility bills. Indeed, the young lady who came to give us some very moving evidence explained how she subsequently got into trouble; she got into drink. Is this a common situation? You have mentioned, Ms Baldwin, 17 year-olds having to look after their siblings. Do you think there is a better way of tackling and caring for these young people?

Dr Samantha Callan: May I answer that by referring to Lord Woolf's question? We visited lots of women's prisons. We met a lady at Hydebank Wood in Northern Ireland who had been convicted of murder and she had to be in prison. At Hydebank Wood was a Portacabin where, for trusted prisoners, the family could come and spend the day. There was a place to cook. There were lots of board games. There was probably no television, which was probably a good thing, but the idea was that people spent time with each other unregulated. It would not be right for every prisoner. There are places in Foston Hall, and there is Acorn House at Askham Grange, which is another prison.

There are family bonding units springing up. As has been said, it is going in the right direction. I mention this, because not only did the lady in Hydebank Wood have access to a Portacabin where she could spend time with her family without prison officers breathing down her neck, but she had access to virtual visits. She could talk to her children every day. Her grandson could take his iPad around to his house and show his grandma his latest toys, et cetera.

The point, in relation to your question, is that mums are often very unaware of what is going on. It is one of the things that makes their mental health so poor. If you have much better quality contact and you can get into the warp and weft of your children's lives when you are not there, it helps hugely with well-being, but it also helps children on the outside who are possibly struggling in terrible conditions but nobody is really aware. They are not piping up, so social services are not giving the help that they need.

In order to allow women to have that normality of life, we are absolutely adamant that virtual visits need to be throughout the women's prison estate because of the distance from home for so many primary carers, which is on average 63 miles. You have one hour to visit your mum and you do not want to pour your worries on her. That is the kind of thing we are very concerned about: that mothers can keep being primary carers even from prison.

Stuart Harrington: Elder siblings in particular taking on that parental role is unfortunately all too common. We know that roughly 95% of the children of mothers who are sent to prison have to leave the family home and are brought up by relatives, friends, associates or grandparents, in particular. The older sibling often has to take on that parental role, as well as deal with the stress and anxiety, particularly with grandparents.

We are finding a lot of issues now with children who are moving in with grandparents and the grandparents are thinking, "I'm going in. I'm going to rescue the situation. I'm going to bring these children out of this situation and look after them myself". In the very short term, the children welcome the change and the attention from grandparents, but they are being separated from schools, friends, their bedrooms, their toys, et cetera. All these things build up into one of these adverse childhood experiences.

Going back to what Lord Woolf just said about short sentences, these issues start the day of sentencing. It is not cumulative. All the separation, the anxiety, the guilt, the shame, et cetera, start on day one.

Lucy Baldwin: In some of my research, the older children were amongst the most vulnerable. They found the contact with their mothers in prison the most challenging, because it became almost like an uncomfortable hospital visit. It was like, "What do we do in this space?" They are quite difficult to accommodate without being creative in a prison space. Certainly, as a social worker and a researcher, I have come across a great number of older people who have ended up caring for their siblings, particularly, as I said, the ones in this research who then left full-time education. None of those three went back to full-time education. Two of them had ambitions to go to university. One of them had wanted to be an engineer, and all that changed. One of them ended up falling into criminality himself.

Fiona Bruce MP: Thank you for that. What support would you recommend for this particular age group?

Lucy Baldwin: It always comes back to the point of sentencing. It is really important that we have a deferred period when the needs of any of the children are accounted for. That is where traditionally a probation officer or a social worker would provide a report that would say, "These are the needs of this family. This person needs to be referred here. This person needs to be referred here". Some of them may need to be referred to social services, but some of them may just need access to local support groups and women's centres that can support older children, or youth clubs. The key is that period of deferment when the needs of the children, whatever age they are, are identified.

Fiona Bruce MP: Just to clarify, there is no universal best practice being shared about this across the country.

Lucy Baldwin: No. Like Stuart said, there are pockets of really good practice that need to be replicated, but there is nothing standard.

Stuart Harrington: With children of all ages, but particularly with older children, it is very important that we listen to the child's voice and ask them what they want and what their needs are, rather than making assumptions about what we think is best.

Q34 **Fiona Bruce MP:** I move on now to grandparents. Similarly, a grandmother gave evidence to us about the challenges that she had experienced. The figures are somewhat dated, but about 25% of the children are cared for by grandparents and another 29% by another relative.

What kind of support should they have so that they can care for these children in a way that is more supportive for the children but also for the grandparents? We hear, for example, that some of them are in financial difficulties and are having to go back to work in order to cover the financial cost.

Lucy Baldwin: Absolutely. I have just written up some research with grandparent carers and grandmother prisoners, which I will leave with you for you to read. For grandmothers it is double the pain and double the trouble, because they are not only caring for their grandchildren but they are also dealing with the fact that they are separated from their child and they are having to mask their own stress, issues, worry and anxiety about their own child in order to be able to deal with the grandchildren.

One grandma said to me, "I feel like I am permanently on high alert. My stress levels are high. I am having palpitations all the time because I am permanently waiting for the children to fail and for my daughter to fail, and I am trying to manage both". The daughter would ring from prison and say, "What is happening?" One grandmother in this report said, "I do not tell her. How can I tell her that one is wetting the bed, I think one is having sex and I think the other one is taking drugs? I tell her everything is fine, because I do not want her to be vulnerable in prison".

They are in a really challenging position, which goes on when mums come out of prison because there is this emotional tug-of-war: "I have done all this work with these children. I do not necessarily want them to come back to you full time". There are lots of challenges in relation to strained relationships as a grandparent carer, and they could be helped with co-parenting.

It is really important that mothers retain, as you said, their maternal identity and their maternal role whilst they are in prison. I have developed an evidence-based programme with Pact that we have piloted over the summer that helps mothers to retain that maternal role from prison and gets them working with the relatives on the outside and their children, so that they are supporting each other during that period whilst they are in prison.

Grandparents need resources that give them guidance. NICCO has some fantastic resources for grandparents and schools. They need help with things like how to tell a child where they are. One grandma said to me, "I just do not have the answers. I do not know. My grandchild said to me, 'Will I be allowed to see mummy on my birthday? Can I phone her? What does her room look like? When will I see her? Will I be able to see her?'" Grandmas in that immediate period do not have the answers to those questions. They need support at that immediate point, ongoing and at the end. Like you said, we have to ask them what they want and what good support would look like to them.

Dr Samantha Callan: One of the programmes we came across was called Visiting Mum, which runs in Eastwood Park, where a lot of women from Wales go because there is no prison for women in Wales. Volunteers in the local area, in south Wales, will go to the home of a grandma who is looking after a child whose mum is in prison and just explain all the terribly important things that Lucy has mentioned, such as the nuts and bolts of visits. They will actually take them to prison and they will be with

them, chaperoning them, because it is such a strange experience. There is a lot of trauma associated with visiting prison for the first time.

The Assisted Prison Visits scheme is moving towards a more flexible approach where you could claim the mileage for a volunteer to take you to prison if you are in that circumstance. You may not have your own car if you are a grandmother or grandfather looking after a child. You can have somebody to take you there instead of a very expensive train journey. That is one way the Government could help. They are very much looking at that.

The other programme I just wanted to bring up, which has had lots of evaluation and is very promising but funding has become a problem, is called Reunite. There is this awful accommodation Catch 22 when women are trying to get resettled in the community with their children after serving a sentence. They cannot get their house until they have their children; they cannot have their children with them until they have a house.

Very simply, the Re-unite programme does not just help with accommodation but helps with these relationships. How do you get grandma to stand back when she has had to be the mother tiger? How do you get the mum to take responsibility again if she feels that she cannot assert discipline? These relationships issues, as well as all the practical financial issues, are where a lot of help is needed, and there are good models out there.

Stuart Harrington: There is an assumption by everybody, including the grandparents, that the safest place for children is with their grandparents, which is why so many do end up there, but there is a lack of specific support. This is what we are finding.

Fiona Bruce MP: Can I just press you on the financial support? I am aware of a grandmother who had to buy beds. Should there be some financial aid? If they were foster carers they would get it.

Lucy Baldwin: Yes, they would. It is important that there is some kind of funding available or some kind of grant that grandparents are able to apply for if they have to adapt their homes. I have even had grandmas who have had to move to bigger houses. They have had to get a deposit, refurnish a bigger house and pack in work to be able to care for the children.

There are enormous expenses that, at the minute, unless there are, like you say, formal care arrangements in place, they have no access to funds for. One grandma I had was looking after five children, one of whom had profound disabilities. The only help she got was a hoist in the home to help her lift the child, and that was it. There was no other support at all.

Stuart Harrington: Because of what was said earlier, particularly in relation to the fact that the person in prison is the grandparent's child, often we find that grandparents are the worst offenders for not disclosing the fact that mum or dad is in prison. If you are not disclosing, any

avenues where you might get financial support are immediately shut and you are on your own.

The last point for us, as was mentioned earlier, is that when grandparents suffer from this anxiety and stress, which they do, it is very quickly picked up by children, because they can see that the grandparents are not acting normally. Again, if grandparents are saying to the child, "If anyone asks, mum is working away", often the child is then being asked by their grandparents to lie, so the child starts to feel guilty themselves, because if your grandparent tells you to tell a lie you must have done something wrong. The child starts feeling a sense of guilt, shame and blame for the situation

Lucy Baldwin: I can read you a quote that talks about that exactly. One grandma had to take the care of her children. She said about telling the child, "I felt sick beforehand. I had butterflies in my stomach. I had no real idea of how to say it or what to say, or what to say she had gone in for. I have always prided myself on my honesty, but when it came to it I just really could not tell them she had gone to prison, so I said she had gone away to work. I did not intend to lie. It just came out. Then we were stuck with that lie, all of us. So now the whole family has this awful secret that we dread coming out one day".

Fiona Bruce MP: Very quickly, I have a question about non-disclosing and children in school. It is the same issue, is it not? Do they tell their co-pupils or do they not? They are ostracised if they do. We have heard stories of bullying. How do schools tackle this?

Stuart Harrington: Again, it is this principle that there are pockets of really good practice. Some schools are fantastic. They will appoint a champion, a children-of-offenders champion. That is a single point of contact. A carer can go to that one person, sit down and have a discussion. Sometimes that is all that is needed.

In order to have that person, that champion, you need a culture in the school that accepts it and a senior leadership team that will accept it. I work with a lot of schools, and even to this day we still have senior leaders saying, "Actually, I'll stop you there. We don't need your help, because we don't have those sorts of children here". That is not true. It is about imbuing this culture. It is not the children's fault. They are victims as much as anyone else and it is very straightforward to set up. It is in the safeguarding guidelines for schools in the Department for Education's guidelines about having provision for children.

Dr Samantha Callan: I would agree with all that has been said. One of the original Farmer review recommendations or themes was the need for prisons to be more extrovert. Rather than the high walls of the prison keeping the community out and saying, "We don't need you", especially in south Wales and HMP Parc they turned that around. They have Invisible Walls, and they are trying to get the community as involved as possible in the prison. Some men are seeing teachers for the first time, because the

teachers are coming to parents' evenings inside prisons. It did not just happen before.

The family services lead, Corin Morgan-Armstrong, is completely inspirational. He has gone out and brokered these relationships. He has said, "We want you. We will make these visits. You come and we will make you very welcome". They have the fire service in teaching kids how to be firefighters for the day with their fathers.

It is simply that, as long as we see prison as this other place and not part of our communities, the resources are very constrained; it is just what the state can do. When the community owns the prison, you get people helping with community-based provision and some of these material needs, although it is hard to produce a big house.

I have a very quick anecdote to illustrate the point. There replaced uncomfortable chairs in the visiting centre, but not on the prison budget; they got a local furniture supplier to re-fit the whole prison visits hall. That is really important for grandparents, because some of these plastic chairs can be really uncomfortable and they hate coming to visit, because they know they are going to spend an hour not just emotionally uncomfortable but physically uncomfortable. It is societal change that we are looking for, and this extrovert prison is going to be part of it.

Fiona Bruce MP: The Government have allocated tens of millions of pounds to mental health in schools. They are hoping there will be at least one mental health adviser in every school. Presumably you would suggest that that adviser should have specialist training of the sort that you mentioned, Mr Harrington?

Stuart Harrington: Yes.

Lucy Baldwin: To some extent, every teacher ought to have some knowledge, even if it is just the Hidden Sentence training. If every teacher in every school was aware of how it could impact, they would be better able to recognise the signs in a child, even if the child was not prepared to disclose. If they can see the signs in a child, they might wonder whether it is an issue.

Dr Samantha Callan: It is part of adverse childhood experiences and trauma awareness. It is just one of the many things can really hamper a child. The focus does not need to be solely on the children of prisoners, but it is that bigger perspective.

Q35 **Baroness Hamwee:** Continuing with the topic of contact, we have heard a lot and it has been extremely useful. These are a couple of very specific questions. I do not want to go through all the points you have made again; I just want straight answers. I can guess what your answers might be, but I should not.

First, we have heard through the Incentives and Earned Privileges scheme that visits and phone calls are linked to behaviour. Can I have a very short answer as to whether this is compatible with the child's right to family life?

Lucy Baldwin: It is absolutely not. It is extremely unfair, and children look forward to visits. When visits are taken away because of the incentives scheme, that is outrageous. Equally it is outrageous when mums are moved at short notice, often when children are on the way to a prison, so it is not just the incentive schemes.

Stuart Harrington: In our view, the family visit is for the child. It is not for the prisoner. The very prisoners who are sometimes excluded from family visits because of their behavioural problems are the very prisoners who should be having that contact with their children, and their children are not attending prison for a variety of reasons. The most appropriate time for them to come would be during a family visit when things are more relaxed and less austere. Prisons will find that if they encourage the prisoners at the bottom end of their regime to have more contact with their family, their behaviour will improve and it will be a better place of work.

Dr Samantha Callan: In the women's estate, our understanding is that family days, which are the longer extended visits, are not in the Incentives and Earned Privileges scheme but the number of social visits, which are shorter, are. The Farmer review is trying to push, with the fantastic support of the academics and the organisations, to change the climate more generally. Rather than binding the hands of governors who have very few levers to pull, we are saying that if governors want to take visits completely out of the IEP, that is up to them.

On the issue of extended family visits—I refer to what Lord Woolf said 30 years ago about the need to be able to spend longer time with your family, not just the one-hour ones—we felt that they should be out of IEP, but in his original review Lord Farmer was very unhappy about taking that choice away from governors.

One thing we heard yesterday at the conference we were all at was a mandatory lifer saying, in response to whether visits were a privilege, a right or a need, "When you start having to argue on the basis of your rights, there is a breakdown in the relationship between you and the person that you are having to argue to". He said that if you can talk about needs and a greater humanising of this whole process, which is what we are all pushing towards, it will become less and less of an issue because people will become so aware.

Prisoners need these visits for their rehabilitation, to give them motivation. To say unilaterally that it is the right of the child or your right to have a visit does not push the culture in the right direction. This mandatory lifer said that, and I thought it was very apposite for this Committee.

Baroness Hamwee: I would make a very short practical point. It costs for a child to visit a mother in prison. Should the costs of the visit be paid for and, if so, who should pay for them?

Lucy Baldwin: The existing prison visiting scheme could be better publicised. Not all families utilise it, because they are not aware of it. If it

was better utilised we would have less of an issue with costs. One of the biggest factors in relation to assisted prison visit costing is that families currently have to pay out and then claim back. They should not have to pay out first. There has to be something that makes it easier for them to have the money up front.

As to where it comes from, I am glad I do not work in Parliament. That is not my decision; I just think it should be. We need to find a way, because that contact is vital for everybody. It is evidence-based. We know that it makes a difference.

Dr Samantha Callan: To encourage the Committee and others, I am not an apologist for HMPPS, but they are very aware of this and they have been looking into it. It is in the guidance that you can pay up front, but they admit that nobody knows about it. They have no idea how to go about getting an up-front payment and they are saying, "We need to make that information more accessible. The onus is on us to tell people and not ask hard-pressed people to get that information". As I said, it needs to be made more flexible so that the money can be spent in other ways. Again, there are signs of things moving in the right direction.

Q36 **Chair:** Dr Callan, you have argued that the prison governors should retain the right to use restrictions and denial of visits as a way of punishing the mother in prison. Bearing in mind that we know that this is a severe punishment on a child who has not committed any offence at all, just persuade me why we should ever prioritise the right of the governor to use this as a punishment over the right of a child not to find that their visit has been curtailed with.

At the moment I do not see why it is essential that the rights to manage of governors should be at the expense of the rights of a child to see their mother, so persuade me.

Dr Samantha Callan: It is a very good question. To give you a bit more nuance in what I was saying, there is a basic entitlement. If you are a basic prisoner you get two visits a month, and that can go up. An enhanced prisoner can have, say, four visits a month. Lord Farmer would never say that you should have no visits. There is a basic statutory limit and there is a floor beneath which you should not fall. If you already have visits booked, you make a very, very fair point; you cannot just say, "Right, you cannot get your visit tomorrow. That's it and everything is cancelled". You have that basic entitlement, but if you can have an incentive to move up, that is not a bad thing.

Chair: Talking about visits as an incentive for good behaviour is just the mirror image of visits being used as a punishment by withdrawing them. It is the same thing. I do not see any difference. Should they be in the frame of the prison governor trying to use the question of visits as a way of dealing with the mother who is in prison? Should it really not be in that

system at all? Why can the governor not do something else to control or punish the mother, rather than something that is going to punish the child?

Dr Samantha Callan: I would say exactly the same thing. Regarding extended family visits, the prolonged period that you can have with your family should not be down to your IEP status.

Chair: Sorry, please do not just use the initials. We are broadcasting.

Dr Samantha Callan: It is the Incentives and Earned Privileges scheme. Currently in the male estate, not the female estate—

Chair: We are talking about the female estate now.

Dr Samantha Callan: Frankly, I do not know how often this is used in the female estate. I think it is used more often in the male estate, but we may have to disagree.

Chair: We have heard of phone calls being restricted, as well as visits to the family. We have heard in evidence, both orally and in writing, that that is what governors do. You have said you want governors to retain the right to use phone calls and visits in this way.

Dr Samantha Callan: No, I did not say phone calls. I have not said anything about phone calls.

Chair: Okay, but you have said for visits.

Dr Samantha Callan: We would like governors to have far more options like virtual visits, but not to replace face-to-face visits. Currently there is a floor beneath which you cannot fall. As I say, in HMP Parc, if you are improving and settling into your sentence, you can use the lounge next to the basic prison visits hall. You can say to your family, "We can have a nice comfortable time in this lounge because I'm getting on with it". It is about giving people back responsibility. I know you are talking about rights of governor but I'm talking about responsibilities of parents. There is nothing wrong with putting responsibility back into the hands of parents.

Chair: You are using the prospect of a child's visit and the ease with which the child is able to visit, because of the comfortable surroundings, as a negotiating chip with the mother. Whether it is a carrot or a stick, it is still the same thing. You are using the child's relationship with the mother as a way of dealing with a mother in prison. You certainly have not persuaded me.

I do not know about the members of the Committee, but I am with the child's rights here, not the governor's rights. Surely they can find some other way to control or punish a woman who is not doing what the governor wants her to do in prison, rather than restricting the visits of the child or withholding an enhanced thing, which is just the other side of the same coin.

Dr Samantha Callan: They do not currently do that. You cannot withhold an enhanced visit—an extended visit—in the female estate. It is these social visits; whether you get two a month or four a month depends on

your Incentives and Earned Privileges status, if governors want to use that.

Q37 Joanna Cherry MP: Earlier on the Chair asked you whether you thought that the best interests of the child concept, which is so dominant in family law, ought to be brought into the criminal justice system. Lucy, you said that we need to go further than current sentencing guidelines.

If we were minded to introduce into the way the prison estate is managed in relation to parents of children some sort of consideration, maybe not a determinative test but a consideration, of the best interests of the child, how would we go about doing that?

Lucy Baldwin: The first thing we have to agree—and I agree with the Chair here—is that a prison sentence is a sanction. It is a loss of liberty that is the punishment. Anything on top of that, like a punishment to a child, is unnecessary and cruel. We have to recognise that prison should do no further harm, certainly to the children who are the innocent party but also to the prisoners. If we have that philosophy, it is much easier to raise the profile of the children.

Yesterday, as Samantha said, we were all at the same conference on the implementation of the family strategy in prisons. I saw lots and lots of governors who were starting to think differently and to change their view about how important the family were and how prominent the children should be. That is genuinely happening and it is right that it should.

Q38 Lord Woolf: There is certainly in some jurisdictions a view that we are wrong in this country to have judges dealing with these cases who are criminal judges in criminal cases, and other judges who are dealing with family matters who are domestic judges. We have to see the family being treated as a whole. Is that not a way forward?

Lucy Baldwin: I would agree. I do not know if anybody heard the programme on Radio 4 the other day about the FDAC court in Coventry—the Family Drug and Alcohol Court. It has an approach whereby it considers the whole family but it is a family court. It is dealing with women who are involved in the criminal justice system because of drugs and alcohol.

It would be really easy to link the family court and the criminal justice court philosophy, and view the family in this way. I completely agree with you. The evidence from the Coventry project is that it really works. One mother who gave evidence on the radio said that she had turned her life around. She had stopped using substances and she had had her children returned to her, which would not have happened in a criminal justice court.

Chair: In the family court, once children are over a certain age they are able to speak in court and to have their voice heard by the decision-maker. One of the things we heard from the children giving evidence is that they were quite convinced that they were absolutely not heard, as was evidently the case. We heard from Stuart, for example, about the child being listened to, and the question is whether that is metaphorical or whether it is really the child being listened to and they know they are able to be in court and have their voice heard, which requires a bit of a reconfiguration of the court system.

Can I thank all three of you very much indeed for coming to give your evidence to us, especially based on your many years of experience in this field? I hope we will be able to produce a report that moves us forward. Thank you very much indeed.

Examination of witnesses

Naomi Delap and Dr Laura Abbott.

Chair: Thank you very much indeed. Could I ask Margaret to start the questioning here?

Q39 **Baroness Prosser:** Have you any idea, from the work you do and the information you have gathered over a period of time, of how many pregnant women are given custodial sentences in each year?

Dr Laura Abbott MP: At the moment, we do not keep accurate numbers. We understand that there are approximately 600 pregnant women in prison each year. We also think that around 100 babies are born to women in prison each year, but we do not collect the numbers, and that is something that we would say needs looking at pretty urgently.

Baroness Prosser: Do you agree?

Naomi Delap: Yes. I have nothing more to add. The figures are not there.

Baroness Prosser: We have been talking, as you no doubt heard, about the impact on children and family members, et cetera. Would you say that there ought to be a presumption against giving a pregnant woman a custodial sentence for the reasons of impact on the wider family?

Naomi Delap: Our position at Birth Companions is that prison certainly is not the place for the majority of pregnant women, new mothers and babies caught up within the criminal justice system. In that sense, yes, there should be a presumption against sentencing them to custody. That needs to be seen within the wider context of the huge amount of evidence on women generally and the need for sentencing reform in that area.

It should be situated within that larger group, because sometimes, for example, women do not find out that they are pregnant until they arrive in prison and have a pregnancy test, so there would still be numbers of pregnant women going through the system whose needs, we would argue, are not best served by being in that environment.

Baroness Prosser: If they only find out that they are pregnant once it is all done and dusted, so to speak, then a presumption would never be made, because there is nothing to make a presumption on.

Naomi Delap: Exactly, but the argument is that, if there is wider sentencing reform for women generally, those women would be seen within that wider context.

Baroness Prosser: Do you have the same view?

Dr Laura Abbott MP: Again, in my research, several women found out that they were pregnant on entry to prison. We know that women often come in from very disadvantaged and very complex backgrounds, with many complex needs, which often means that these are the women who slip through the net in the community. Often they discover their pregnancy on entry to prison. I agree with what Naomi said there.

Baroness Prosser: This is not part of my questioning, but it suddenly strikes me that if a woman finds that she is pregnant once she has been sentenced and she has entered the prison, in this country she has the right to choose a termination based upon all the medical requirements. Does that happen in prison? Is it easily accessible for a woman who wants or asks for that service?

Naomi Delap: Provision is inconsistent in the sense that we know that women do not always get access as quickly as they need it to be, and they do not always get the kind of advice and guidance that women in the community get. For example, we recently worked with the British Pregnancy Advisory Service to connect them into two of the prisons that we work in. Now that BPAS is working in those prisons, women are able to access a counselling service by phone, and it is also delivering contraceptive and sexual health clinics within that prison. Women are then also facilitated to get terminations in the relevant clinics.

Baroness Prosser: Can either or both of you paint a picture of what you think it is like for a pregnant woman to be in prison?

Dr Laura Abbott MP: In my research, I was able to interview 28 women. Overwhelmingly, women will talk about not knowing what they are entitled to. There is confusion. There is frustration with feeling incredibly stressed and not wanting to feel stressed, understanding that that has an impact on the unborn baby.

The thing that really struck me was that often women did not know whether they were going to be allowed to keep their baby until very late on into their pregnancy, which caused immense distress. Whether or not they were able to keep their babies with them in prison, women were very much bonded with their unborn baby, and that caused a lot of stress.

I also found that many things were lacking with women. One of those things was basic necessities. For example, women who may have been separated from a baby or who may have been breastfeeding would not have access to basic necessities such as breast pads. That was something that women found incredibly frustrating, incredibly embarrassing and really upsetting.

Another issue that came up for the majority of the women I interviewed was the shame they felt going in and out of prison, into hospital, having their appointments. By the very nature of the fact that they are pregnant, they are going to be in and out of prison more often. Being in handcuffs, pregnant and visible to the public gaze was something that women felt great embarrassment and humiliation over. I would say that shame was something that many women felt as well.

Alongside that, women's nutritional needs were not necessarily being met. They were often hungry. Some women would not receive their medication that they had been on in the community on entrance to prison. For example, one woman had had her medication for a mental health condition stopped and it had to be restarted again, and another for blood pressure conditions.

There was overwhelmingly a sense of incredible stress, distress and frustration from the women who I spoke to. They did not understand or know what they were entitled to and what their rights were.

Baroness Prosser: Was the lack of information for the prisoners themselves or the lack of access to what you might really call basic services because the whole system was slapdash or because there was insufficient money? Was it just what everybody saw as the norm?

Dr Laura Abbott MP: Pregnant women are a complete misfit in our prison system. Our prison system is not designed for pregnant women. It was not that the staff wanted this to happen. They often did not know what the rights and entitlements were either. If the staff do not know what the women are entitled to, the women are certainly not going to know. It goes far higher up than anything being slapdash. We need mandatory guidance that is acted upon on the ground for pregnant women, not guidance that can be ignored.

Naomi Delap: To give you some context, the charity that I work for, Birth Companions, runs services in four prisons. We provide antenatal groups, mother-and-baby groups, birth support and peer support. Our experience is that the environment is extremely challenging. While, as Laura says, prisons are on the whole committed to providing good care, it is really challenging for them in practice to give women the care to which they are entitled. This is partly because the environment is so difficult and partly because the needs of pregnant women, new mums, separated mums and babies are so complex. So many different agencies are involved in providing this care that it is very difficult to co-ordinate it all and to make sure that they have what they need.

I just wanted to tell you about a report from one of the prisons that we work in, which I received two weeks ago. It is a regular report that we get from the visit every week. In this one report from one prison, we had the following examples of what we consider to be breaches of care. A woman was advised to rip up sanitary towels with her teeth to use as breast pads, because they did not have any. She could not have scissors in that environment, so they said, "Why don't you just rip them up with your teeth and put them in your bra?" Women were unable to access medical care for issues such as mastitis. Pregnant women were not being given vitamins. The midwifery clinic was not backfilled while the midwife was on holiday for three weeks. The women on the MBU were not being allowed outside for three weeks because of staffing issues.

This is just one report from one week from one prison. That prison is not unusual. This is a systemic issue. Conditions go up and down in different prisons, depending on who is in charge of the mother-and-baby unit or the pregnant women at the time. This is a serious issue and it is happening now.

Q40 Baroness Lawrence of Clarendon: From your research and your experience, how common is it for a woman to give birth in prison rather than being transferred to hospital? How well are women supported and cared for when they give birth in prison?

Dr Laura Abbott MP: In my research, one woman told me about her experience of giving birth in her prison cell. Again, it was just one woman, but I interviewed staff as well as women, and several members of staff talked about situations where they had experienced births in cells. These staff were not qualified midwives or doctors, which we know is a legal requirement in this country.

The woman who gave birth in her cell relayed her story to me in quite a lot of distress. It happened some eight months previously. She had asked for help and was told that she was not in labour by a member of staff who was not a midwife. She subsequently ended up giving birth in her cell. As a midwife myself, there were various red flags that would have been flagged up to me if I had been caring for her, such as the fact that she was 36 weeks pregnant, so she was premature, and the fact that her baby was lying in breech position. In both situations, I would have wanted her to have an immediate assessment by an appropriately qualified person. Although it is just one woman in my research, corroborated by several members of staff, I still think that is one woman too many.

Baroness Lawrence of Clarendon: Naomi, do you want to add anything to that?

Naomi Delap: Yes. Birth Companions wrote to Her Majesty's Prison and Probation Service in 2017 regarding a number of concerning incidents we had heard about, where women in custody had given birth in inappropriate settings, including their cells. In the lead-up to writing that letter, we had had reports of two births in cell and one in an ambulance,

in one prison. We had heard that pregnant women at this prison were so anxious about birthing in cell that some were opting for elective caesareans. Others were misreporting symptoms so that they would be taken in to hospital around the time of their birth and kept there.

In another prison in which we were working, one woman gave birth in an ambulance in the prison grounds. In another case in that prison, we were told that a woman labouring in her cell could not get the staff to respond, so she had had to phone a relative from her cell to get the relative to phone the prison to alert them to the fact that she was in labour. This woman subsequently had an emergency C-section in hospital, and then her baby was taken to the neonatal intensive care unit.

We are not necessarily in a position to corroborate all the reports that we hear, but clearly if there is no collection of information or data in this area, no one can understand or investigate exactly what is going on or be held accountable.

Baroness Lawrence of Clarendon: It was submitted to us that a woman was spotting and bleeding and could not get any help. Eventually, when she did get help, she lost her baby. That led to guilt. Of course, you are guilty already because of where you are, and then you have lost your baby because nobody, as you were saying, would listen when they are going through labour. For me reading that, the insensitivity about what is happening to pregnant women was unbelievable.

My next question is: what happens when a woman has a baby in prison? Do they automatically move to the mother-and-baby unit? If not, what happens to them?

Dr Laura Abbott MP: We understand that around 50% of women will keep their baby with them on a mother-and-baby unit. Again, we do not know exact numbers, but we also understand that 50% of those women are separated from their babies quite soon after birth. The picture is very different depending on whether the mother gets to keep her baby with her.

For the women I spoke to who were being separated from their babies, the anguish that they were experiencing was incredibly difficult for them to manage. Often, they just disappeared back into the prison system, were quite invisible, and they just wanted to blend in and, understandably, mask what had just happened to them.

For the mothers going on to a mother-and-baby unit, it is a different situation. There is a lot more support for those women in general and for them with their babies. Some of the women I spoke to who were separating from their babies wanted to express breast milk for their baby. It was quite difficult for them, first, to get the equipment that they needed to express, and, secondly, to be able to store that breast milk safely and correctly and to get the milk to the baby. These mothers were often motivated to express breast milk.

Naomi Delap: One of the problems that women face in accessing mother-and-baby units is that they cannot apply for places before they

get to prison, which seems wrong to us, because they will therefore always be separated from their babies until they can get a place, once they have applied. There is no presumption against separation, so even when women have already been parenting in the community and there is no social services involvement, they still have to go through the process and wait to get a place on the mother-and-baby unit before they can be united with their children, rather than there being an automatic place granted while they go through that process.

As Laura said, women face very long delays in finding out whether they have a place. Sometimes women will give birth not knowing whether they have a place. Sometimes they do not find out until after they give birth whether they have a place, so they have gone through most of their pregnancy experiencing huge anxiety. There is a lot of evidence about the impact of that kind of toxic stress on both the mothers and the babies, not just the immediate impact but the long-term impact on outcomes of mothers and children.

Social workers do not always have an understanding of the benefits that mother-and-baby units can offer, so they can sometimes be very risk-averse in recommending that a woman gets a place. The processes for applying and appealing are not always clear and fair. There is very little support, as Laura has said, for women who do not get a place on the mother-and-baby unit or who are separated from their babies through coming to prison and not getting a place, or even when they are in prison and they do not get a place, despite the really significant risk that this situation holds for suicide and self-harm in women.

There is a very well-documented case of a woman called Michelle Barnes, who, in 2015, took her own life six days after the birth of her child in prison because she had been told by a prison officer that she was unlikely to get a place. At the particular prison at which that happened, lots of reforms have been put in place relating to the separation of women and the support of women separating, which is really good.

Another issue is the upper age limit of 18 months in most mother-and-baby units, after which babies are not allowed to stay with their mums. We think that that upper age limit is based on fairly flawed evidence and that there are lots of examples from lots of other countries where babies can remain with their mums for a much greater period of time. We think that should be considered in this country as well.

Baroness Lawrence of Clarendon: You said, "When they are separated". Is there a crèche or somewhere that the baby goes to? When you talk about separation, where does the baby go? Will they still be in the prison?

Dr Laura Abbott MP: Usually in that situation a woman gives birth in the local hospital. She will have social work involvement in that hospital and the baby will be removed from her some hours after she has given birth in the hospital and taken to whoever is going to look after that baby, depending on whether the baby needs support or medical interventions at

all. Usually, however, that baby is taken straight to whoever is going to be looking after it.

Chair: It is foster care or family care; that is the point.

Dr Laura Abbott MP: Yes.

Q41 **Baroness Hamwee:** Who decides whether mother goes into a mother-and-baby unit?

Naomi Delap: A board. I do not know the precise make-up of the board, but it is certainly representatives from the prison and from social services.

Dr Laura Abbott MP: It is also representatives from midwifery care.

Naomi Delap: The independent monitoring board often has a seat on that board.

Baroness Hamwee: Are there published criteria for the decision? Perhaps we should look at this separately.

Dr Laura Abbott MP: It would be good to have a look at it. I do not have that information at my fingertips, but we can get it for you.

Naomi Delap: There is a prison service order specifically for mother-and-baby units, so there will be information in that.

Baroness Hamwee: If a mother starts a custodial sentence and has a small baby, is that immediately a matter for foster care, or do mothers ever take the babies into prison and go into a mother-and-baby unit with them? Is that very rare?

Dr Laura Abbott MP: That certainly happens. However, again, just drawing on my research, I spoke to one woman who had a three-week-old baby when she was sentenced to a prison where she was not able to take her baby with her. She was a breastfeeding mother. She was reunited with her baby about two months later, so it is not automatic that mothers will go with their baby to the mother-and-baby unit.

Q42 **Lord Woolf:** I may be well out-of-date, but in some prisons I remember visiting mother-and-baby units that were really happy places in the prison, totally different from the rest of the atmosphere in that women's prison. Young mothers would be helped by older prisoners to look after their children. Does that still happen?

Dr Laura Abbott MP: At the moment, we have, I believe, about 64 places in the country for mothers with their babies, and it is pretty much underutilised. They are very different places from the rest of the general population of the prisons.

Lord Woolf: I was told not to encourage more units. It may not have been right that more units were needed if they are underused. It seems to be a question probably of prison administration to ensure that they are properly used. I was told that if you make it any better for mothers, you are going to have more babies because prisoners think it will be a much better way of working through the sentence that they are going to get. Is there any truth in that sort of story?

Dr Laura Abbott MP: Again, I did not experience that in my research. I did find that pregnancy can be a unique turning point in anybody's life to make healthy changes. The women who were able to keep their babies with them often went on to do incredibly well and continue to do incredibly well by having had a chance to be able to become a mother to that baby.

Lord Woolf: One of the reasons why they do incredibly well, again from my limited experience, is that they were trained how to be good mothers during the period they were in custody.

Dr Laura Abbott MP: It is very motivational to be able to be there with your baby and to have that opportunity. Many women will change, and we know that reoffending is down in women who are able to keep their babies.

Lord Woolf: It is in the interests of reforming mothers to have it. It is going to be much better for the babies to be looked after by their mother. When they have finished their sentence, it is going to save burdens on the local authority for housing the babies, yet you are saying that the limited facilities that are there are not being used to the full.

Naomi Delap: You are right that mother-and-baby units can be tremendously positive places in which women can really focus on their babies, learn parenting skills and have support to do that. That sort of support could be offered in the community even more successfully, because very often, for example, these women will have other children who are not in the prison with her, so we would much rather see women being given that support in being able to parent their other children as well.

Regarding the issue of underutilisation, you are absolutely right. From our perspective, it is not that there are not mothers out there who would benefit from raising their children on the MBU. It is about all the problems that I outlined earlier—women being given information about it, social services being given information about the benefits of mother-and-baby units, and fair decision-making and appeals processes. We could certainly give more women those immediate benefits of mother-and-baby unit places, but in the longer term there are other issues.

Lord Woolf: If it is correct that the mother has rights under the Human Rights Act, and the baby has rights, is the system at the present time paying sufficient attention to the rights of the child? The fact that a mother may not be co-operating in the prison is no reason to deprive the child of the benefits.

Dr Laura Abbott MP: That is a really interesting point, and it leads on from the questions earlier on the privileges scheme. Again, absolutely, it is about the rights of both mother and baby. We understand a lot about attachment theory and bonding, and how that helps to build a healthy brain for a baby. We have conclusive evidence that the impact of the stress that prison can cause the unborn baby all sorts of problems. The toxic stress, especially in the latter stages of pregnancy, can have a real

impact on the health of that unborn baby and subsequently on that child as they grow up.

Q43 Joanna Cherry MP: Listening to your very compelling evidence here, do you think it would be better if the default position was that every woman who has a baby in prison or any woman who is committed to prison and who has an infant should start off in a mother-and-baby unit?

Secondly, I am just trying to work out in my mind how many years of punishment equate with, say, a month of separation from a newborn baby. I would probably count it as 10 years' imprisonment to be separated for a month from one of my infants. It is a massive extra punishment for the mother, is it not?

Naomi Delap: It is for the mother, but the impact on the child is also absolutely huge.

Chair: Instead of all these boards and palaver, should the default position and the starting point not be that if you have a baby in prison, you go to a mother-and-baby unit, or you are sentenced to prison when you have an infant and you go to a mother-and-baby unit and sort it out from there, rather than the default position being that you are not in a mother-and-baby unit, with the inevitable separation as the wheels grind slowly?

Naomi Delap: Yes, but that is a qualified yes, because a lot of these are very complex situations. If a mother already has social-services involvement with her children, perhaps that would not be an appropriate decision to make, whereas if a woman had been parenting in the community without social services involvement, for example, or any other concerns, then yes, perhaps there could be a presumption.

There also needs to be a focus on speeding up the mechanisms, perhaps allowing for deferment of sentencing. You could wait until a woman has given birth, allowing her an application process and the outcome of that process before she is sent to prison. You could have that with pregnancy or with parents of young children.

Chair: They could, could they not, replicate the situation of taking a baby into care, because they have that process for women who are not in prison? Could they not just do the same for women who are in prison and then the decision would be that they were not in the mother-and-baby unit but that they would have to have an active intervention based on the risk to the child, like in the outside world? Should it not be like that, rather than trying to get into one of these units with the inevitable delay? Is that not the most sensible way of doing it?

Naomi Delap: Quite possibly.

Chair: On that note of agreement, thank you so much for your evidence. Finally, do you know what the woman you interviewed who gave birth in the cell was in for?

Dr Laura Abbott MP: I did not look at what people were in for. I just looked specifically at their pregnancies and their experience of pregnancy.

Chair: Thank you very much indeed. If you could, please let us know, if it is possible to find out, because we are trying to work out proportionality here. I assume you must have done something really terrible to have to give birth to your baby in a cell, but perhaps it is not like that. Thank you so much for the work that you do as well as for sharing that work with us.