

## Written evidence from Dr Natalie Booth and Dr Isla Masson

### Response from:

**Dr Natalie Booth** is a senior lecturer at Bath Spa University. Her research seeks to understand how prison is experienced by family and friends of incarcerated people. Amongst other publications Booth's doctoral work and subsequent book entitled 'Maternal Imprisonment and Family Life: From the Caregivers Perspective'<sup>1</sup> revealed the previously untold experiences of those charged with the responsibility of looking after children of female prisoners 'from the caregivers' perspectives'. <https://www.bathspa.ac.uk/our-people/natalie-booth/>

**Dr Isla Masson** is a Programme Leader & Senior Lecturer in Criminology & Sociology at Arden University. Her research interests and publications predominately lie in women in the criminal justice system, motherhood, incarceration and restorative justice. Masson's doctoral work and subsequent book entitled 'Incarcerating Motherhood: The Enduring Harm of Short Terms of Imprisonment on Mothers'<sup>2</sup> explored the longevity of short prison sentences and remand. <https://www2.le.ac.uk/departments/criminology/people/dr-isla-masson>

Current research by the authors involve a study on the lived experiences of family members who have a relative on remand (funded by the Oakdale Trust), the Handbook of Women's Experiences of Criminal Justice (with Routledge) and editing Critical reflections on Women, Family, Crime and Justice (with Policy Press) (from the WFCJ research network which they co-lead).

**Our response is based on our own research and knowledge of working with women and families affected by imprisonment. We are submitting evidence to questions 2, 5 and 7 proposed by the Joint Committee.**

### **2. What has been done to reduce the number of women serving short prison sentences?**

- **Do community sentences currently offer a credible alternative to custody? (If no, why not?)**
- **What more could be done?**

Masson's (2019) findings, echoing previous research with women in prison, were that women due to their level of vulnerability and harm that they pose continue to disproportionately

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<sup>1</sup> Booth, N. (2020a) *Maternal Imprisonment and Family Life; From the Caregivers Perspectives*. Bristol: Policy Press. See: <https://policy.bristoluniversitypress.co.uk/maternal-imprisonment-and-family-life>

<sup>2</sup> Masson, I. (2019) *Incarcerating Motherhood: The Enduring Harm of Short Terms of Imprisonment on Mothers*. Abingdon: Routledge. See: <https://www.routledge.com/Incarcerating-Motherhood-The-Enduring-Harms-of-First-Short-Periods-of-Imprisonment/Masson/p/book/9780367660642>

receive short prison sentences. Many are low risk offenders held for non-violent offences who do not need to be incarcerated. Despite being short in nature these short periods in prison cause morally significant harms that have a knock on effect on both those incarcerated and their loved ones. One mum, Donna, described what she felt was disproportionate sentencing when she was convicted of theft:

*“I’ve lost four months with my son, I’ve lost my home, for 18 quid...and that cost the government how much? It doesn’t work, does it?”* (Masson, 2019: 53).

In addition, these negative consequences are enduring, as they carry on harming women and their families for significantly longer periods than the short terms of incarceration. For instance:

*“I get panic attacks all the time now, even with the smallest thing. Some days I can’t even leave the house...I always have nightmares, I haven’t had a good night sleep in months. I’m getting counselling for this, I’m not sure how I survived behind those closed doors”* (Bella) (Masson, 2019: 154).

In Masson (2019) and developed further in Masson (2021)<sup>3</sup> a series of recommendations were made to reduce the enduring harms caused by short prison sentences. These include greater support pre custody with regards to preparation for prison to minimise the harm caused at the beginning of the prison term and tailored healthcare and education to address existing problems and allow women to exit prison with better life chances. Recommendations also included greater assistance with meaningful communication between mothers and their children (see Q.7 for a more detailed discussion), and reflecting the changes to statutory supervision requirements greater support post custody to ensure support rather than punishment is provided when women are released on licence.

However, reducing the harm relating to short prison sentences should be seen as a temporary solution whilst more structural changes are made to reduce the number of women receiving short prison sentences. There are several community-based alternatives available which we strongly suggest are utilised (Booth et al 2018<sup>4</sup>). Likewise, in Masson (2019) recommendations were made to reduce the female prison population (with a focus specifically on reducing the number of women serving short prison sentences). The recommendations were fourfold:

- Reforms to sentencing – involving presumption to suspend prison sentences in favour of women’s centres if the custody threshold has been passed, a requirement for pre-sentence reports and a presumption against short sentences.
- Women’s centres - many examples of good practice within women’s centres have been published, but greater, and more protected funding is required.

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<sup>3</sup> Masson, I. (2021) ‘Reducing the enduring harm of short terms of imprisonment’ in Masson, I., Baldwin, L., and Booth, N. (eds) *Critical Reflections on Women, Family, Crime and Justice*. Bristol: Policy Press, pp. 81-106. See: <https://policy.bristoluniversitypress.co.uk/critical-reflections-on-women-family-crime-and-justice>

<sup>4</sup> Booth, N, Masson, I. and Baldwin, L. (2018) ‘Promises, promises Can the female offender strategy deliver?’ *Probation Journal*. 65(4): 429-438.

- Small residential units – examples of good practice are present within England and Wales (see Q.5) and abroad and can provide a more holistic and less punitive environment closer to home for those who due to their level of offending must be incarcerated.
- A restorative justice approach – which offers opportunities for reduced financial and emotional costs instead of punitive prison environments which jeopardises mental health, tenancies, employment and their ability to look after children. Areas of good practice specifically relating to women who have offended are outlined in Masson and Osterman (2017) & Osterman and Masson (2018)<sup>5</sup>.

**5. Since the publication of the Female Offender Strategy, what work has been done to improve conditions for those in custody?**

Earlier this year the Ministry of Justice announced plans to build an additional 500 places in women’s prisons<sup>6</sup>. While this was under the guise of improving single cell accommodation and conditions, it severely undermines the focus and promises in the Female Offender Strategy (FOS) that ‘shelve[d] the development of new women’s prisons in favour of community-based solutions’ (Booth et al, 2018: 434). It sits in direct contrast with the abundance of evidence on women in prison, including Baroness Corston’s report (2007), which suggests that women should be diverted from prison when at all possible. This is particularly so for those accused of non-violent offences and/or who pose minimal risk to the public (see Q.2). We feel that these most recent plans should be reconsidered as the proposed changes backtrack on the very ethos of the FOS. These additional prison places are further examples of broken promises, and continue the cycle of broken lives.

As part of this recent announcement we were pleased to see additional attention to the expansion of facilities for ‘overnight visits’ where mothers can spend time ‘with their children to prepare for life back home’. This will clearly bring benefits to mothers, children and caregivers for whom the maintenance of meaningful contact is critically important (Masson, 2019, 2021; Booth, 2020a, 2021<sup>7</sup>). However, it is less clear why additional prison places are required to fulfil this aim as overnight visits can be accommodated in smaller residential units. Good practice can be seen at Acorn House situated at HMP Askham Grange<sup>8</sup>

<sup>5</sup> Masson, I. and Osterman, L. (2017) ‘Working with female offenders in restorative justice frameworks: effective and ethical practice’, *Probation Journal*. 64(4): 354-371 and Osterman, L and Masson, I. (2018) ‘Restorative Justice With Female Offenders: The Neglected Role of Gender in Restorative Conferencing’, *Feminist Criminology*. 13(1):3-27.

<sup>6</sup> Gov.uk. (2021) *Extra funding for organisations that steer women away from crime*. Available at: <https://www.gov.uk/government/news/extra-funding-for-organisations-that-steer-women-away-from-crime#>

<sup>7</sup> Booth, N. (2021) ‘Gendered prisons, relationships, and resettlement policies: three reasons for cautions for imprisoned mothers’. *British Journal of Criminology*. See: <https://academic.oup.com/bjc/advance-article-abstract/doi/10.1093/bjc/azab018/6162165>

<sup>8</sup> Raikes, B. and Lockwood, K. (2011) ‘Mothering from the Inside’ — A Small Scale Evaluation of Acorn House, an Overnight Child Contact Facility at HMP Askham Grange. *Prison Service Journal*. No. 194. Available at:

which can be shared and distributed to other female prisons with the right support and investment. We see this significant change as completely separate to the building of new prison places and more to do with resource allocation.

The same announcement indicated that more money would be allocated to support women in addition to the ‘£5 million [that] has already been invested in services supporting women in the criminal justice system since 2018’<sup>9</sup> following the FOS. However, in our review of the FOS (Booth et al, 2018), we were concerned that this investment would be insufficient given that it was woefully less than the original £30 million earmarked for work in this area (Guardian, 2018<sup>10</sup>). Investment on this larger scale would provide opportunities to improve conditions for mothers and families affected by imprisonment, including those mentioned above regarding overnight visits. We said that ‘any assurances within the strategy would be more credible through permanent, ring-fenced funding and resource-provision’ (Booth et al, 2018: 434). Unfortunately, assurances through this form have not been forthcoming and we continue to worry that appropriate support will not be provided because of budget restrictions.

**7. How are women supported to maintain family ties in prison? What progress has been made on improving family ties since the Farmer Review?**

- **What support is available for mothers to maintain contact with dependent children?**

As argued previously (Booth 2020a; Masson, 2021) despite the number of incarcerated women with children, there is no single organisation or body responsible for identifying pre-custody familial circumstances. Without knowing how many families are affected by maternal incarceration there is no way maintenance of family ties with this group can be supported. We agree with the JCHR (2018)<sup>11</sup> that it is imperative that better information is gathered regarding these women’s maternal status and families. However it is suggested that the initial reception screening may not be the most appropriate place to be asking such sensitive questions, especially if this is the only time these questions are asked. Greater steps are still required to identify these women prior to or in the early stages of custody in a supportive way. Once these women have been identified there are many ways in which family ties can be maintained.

### ***Visits***

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[https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ\\_194\\_March\\_2011.pdf](https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ_194_March_2011.pdf)

<sup>9</sup> See footnote 5.

<sup>10</sup> The Guardian. (2018) ‘*MoJ postpones plans to reduce female prison population. Strategy to cut numbers being jailed for non-violent offences was to be launched this month*’. Available at:

<https://www.theguardian.com/society/2018/may/02/moj-postponesplans-on-reducing-female-prison-population-strategy-non-violent-offences>

<sup>11</sup> Joint Select Committees on Human Rights (JCHR). (2018) *The right to family life: children whose mothers are in prison*. Available at: <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1610/report-files/161002.htm>

Face-to-face contact can be maintained through social visits and family visits (sometimes called family days or children's days). Face-to-face contact is imperative for both mothers and children to stay connected and to spend time together. Linking back to Q.2, we argue that 'maintaining mother-child contact while the mother is incarcerated can also contribute towards reducing the enduring harm of short terms of imprisonment' (Masson, 2021: 90). However, despite the best efforts of prison staff and family workers, both researchers highlighted a number of ways the prison environment and rules can stifle opportunities for meaningful contact during social visits (Booth, 2018a<sup>12</sup>, 2020a; Masson, 2019). These included long distances to travel at inconvenient times (often conflicting with school hours) and at a high cost. This was particularly burdensome and challenging to caregivers tasked with responsibility of facilitating this contact. One grandmother caregiver, Shelia, said:

*"It's 60 miles there and then 60 miles back so it's about a 120 mile round trip, it's just a nightmare, it's an absolute nightmare"* (Booth, 2020a: 113).

Likewise, in the research with mothers incarcerated for short terms 'the majority of the mothers in this research said their location affected the frequency of visits:

*"[The prison was] one and a half to two hours away; it's a long drive for a one-hour visit"* (Una)' (Masson, 2019: 144).

However, these experiences are not unique to those interviewed in our projects, the distance and knock on effect of this is connected to women's minority status in prison. The consequence of less women in prison is less female prisons, so women are consistently held further away from home than their male counterparts (Masson, 2019).

Family days were preferred as 'the nature and format of family visits provided time and space for mothers and children to (re)connect and do 'normal' everyday activities:

*"He loves it 'cause mummy can get up and play...He asks every time we visit 'is it one of these special days Nanna?' It does make a lot difference that the prisoners getting up with their children and can go and play with them instead of just sat there with the child, it makes a big difference"* (Annette)' (Booth, 2018b: 13<sup>13</sup>).

Positive experiences in family days were also reported in Masson (2019: 208-209):

*"They loved it, 'mum, is this a prison?'...We had a bouncy castle, we had Father Christmas, he gave out presents. I let my hair down, there was so much in the gym to do...they were doing all these activities...it's not a prison atmosphere"* (Tara).

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<sup>12</sup> Booth, N. (2018a) 'Maintaining family ties: the disparities between policy and practice following maternal imprisonment in England and Wales.' In Gordon, L (ed) *Contemporary research and analysis on the children of prisoners: invisible children*. Cambridge Scholars: Newcastle upon Tyne, pp. 155-171.

<sup>13</sup> Booth, N. (2018b) 'Family matters: a critical examination of family visits for imprisoned mothers and their families. *Prison Service Journal*, 238, pp.10-15. Available at: <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ%20238%20Prison%20Service%20Journal%20July.pdf>

These more relaxed family days should be delivered more frequently and prioritised to enable meaningful face-to-face mother-child contact for children of all ages, and greater levels of support to enable families to visit the prison for these days should be enacted. Delivering this quickly is especially important following COVID-19 restrictions on all forms of face-to-face contact in prisons. Owing to public health concerns, the last 15 months have been an incredibly difficult and punitive time for people in prison and their loved ones. Discussing the implications for those supporting a person on remand in prison in England and Wales, we proposed ‘a more flexible and nuanced approach to supporting relationships between people in prison and their loved ones, as proposed by JCHR (2018) during maternal imprisonment, would be more appropriate and less harmful. It would also better acknowledge that families do suffer negative consequences as part of the fallout from public health decisions’ (Booth and Masson, 2021: 31)<sup>14</sup>.

### ***Other forms of communication***

Telephone contact has the potential to provide more frequent and real-time contact with children and loved ones. This form of contact is significant for those on both sides of the prison walls; for mothers, children, and caregivers. Research with imprisoned mothers in England and Wales similarly identified how telephones were critical for maintaining contact (Masson, 2019; Booth, 2020a, 2020b<sup>15</sup>, 2020c) However, both the researcher’s studies also found a number of limitations with prison telephones across the female estate with regard to:

- Reconnecting in the first weeks;
- Cost of calling;
- Telephoning privileges;
- Inconsistencies across prisons.

As one mother, Sarah, in Booth’s (2020b:10) study explained:

*“I’ve got four children and because of the money that we’re on, it’s hard not being able to speak to the kids... you’re just rushing on the phone just so you can get [time] and squeezing every phone call out of that money you’ve got on your credit”.*

In fact in Masson’s (2019: 143) research ‘most of the mothers put all the money they had in prison on their phone cards to speak to their children, but the cost limited the call:

*“to actually speak to your children £5 will get you nothing, especially if you’ve got three children and they’re in different places ... you can’t actually speak to them, you’re rushing” (Tanya).*

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<sup>14</sup> Booth, N. and Masson, I. (2021) ‘Loved ones of remand prisoners: The Hidden Victims of COVID-19’. *Prison Service Journal*, 253, pp. 23-31. Available at:

<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ%20253%20March%202021.pdf>

<sup>15</sup> Booth, N. (2020b) ‘Disconnected: exploring provisions for mother-child telephone contact in female prisons serving England and Wales’. *Criminology and Criminal Justice*, 20 (2). Available at:

<https://journals.sagepub.com/doi/abs/10.1177/1748895818801806>

Echoing financial savings, in Booth's (2020c<sup>16</sup>) study, mothers and caregivers were so intent on maintaining mother-child contact that they would make sacrifices to enable this. Despite this, often phone calls were only short, due to the limited times when telephones were available and/or the need to call more expensive mobile phones during the working or school day. Contact can also be maintained through letters (Masson, 2019: 144; Booth, 2020a), however literacy levels and prison regulations may hinder this form of contact. Delays in delivery were also reported by one mum, Una:

*"I got a letter that was sent to me by my aunt and it didn't make sense...I'm thinking we've spoken about this, but it was her first ever original letter...it was all getting a bit jumbled".*

Repeatedly issues with sending and/or receiving letters have been reported by Her Majesty's Inspectorate of Prisons. What is important to note is that mothers and caregivers used innovative ways to ensure contact was achieved. 'For instance, as their familiarity with the system increased, they also became privy to the boundaries set by rules and regulations; what was possible and permitted and what enabled better opportunities for contact. From this, they could renegotiate their practices to better suit their family's needs, from using different coloured pens in the one prepaid letter to write to all children or arriving at the prison ahead of the scheduled visiting time to ensure the longest possible time spent face-to-face with the mother' (Booth, 2020c: 44).

While there are some examples of good practice across the female prison estate, some way to address issues identified above with regards to mother-child contact could be to:

- Reduce costs of prison telephone calls to both landlines and mobiles;
- Locate telephones in the women's rooms to allow phone calls at more convenient times of the day;
- Increase number of prepaid letters given to dependant mothers from one a week;
- Increase number of family days and the age of children eligible to attend;
- Update the rules on physical contact and play between mothers and children during social visits.

### ***A need for nuance***

There has been much emphasis on the potential of relationships and family ties for women in prison. While Lord Farmer's (2019) review highlighted many significant issues, and made important recommendations, we must be mindful that women in contact with the CJS bring with them a number of vulnerabilities owing to histories of abuse and victimisation, often by those closest to them. As such, while relationships and family ties can provide much-needed support, nuance is required to ensure that work with women recognises their individual needs to reduce further harm, particularly when contact with children is involved. As discussed

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<sup>16</sup> Booth, N. (2020c) 'Maintaining family ties: how family practices are renegotiated to promote mother-child contact' In: Lockwood, K., (ed) *Mothering from the inside: research on motherhood and imprisonment*. Bingley: Emerald, pp. 31-48.

further in Booth (2021: 10-11), Becca's mother was caring for her three-year-old daughter, but also requested access to her bank account. During a previous sentence, access to Becca's finances left her in considerable debt and so, understandably, she was reluctant to facilitate this again, though she was under pressure to do so in return for contact with her daughter. Becca was 'in a catch-22 situation; discontinuing contact with her mother could further jeopardize contact with her daughter, whereas providing access to her bank account facilitated contact but was likely to negatively affect her financial stability post-custody and, therefore, her likelihood of regaining custody or overnight visits'. In Becca's own words:

*"On my last sentence she got me in a thousand pounds worth of debt, so on this sentence, because I refused to give her my bank card, because of the debt, she's stopped all contact [with my daughter] ... and she uses my daughter as a weapon to get money off me (Becca)".*

While Lord Farmer's (2019) suggests the need to identify 'healthy' and 'toxic' relationships, it is important that policy and practice do not view relationships only in this binary way, but appreciate they can be much more complex. As such, a person-focused approach is most appropriate for supporting women with their family ties.

**To conclude, we feel strongly that greater efforts should be taken to reduce the number of women receiving short prison sentences, that the most recent plans to build further places in the female estate should be reconsidered as this moves away from the ethos of the FOS, and finally, when appropriate women should be further supported to maintain family ties in prison through visits as well as other forms of communication.**