



# What about me?

The impact on children when mothers are involved in the criminal justice system

Sarah Beresford

## **About the Prison Reform Trust**

The Prison Reform Trust is an independent UK charity working to create a just, humane and effective prison system. We have a longstanding interest in improving criminal justice outcomes for women and are currently pursuing a strategy, supported by the Big Lottery Fund, to reduce the unnecessary imprisonment of women in the UK. It is a specific objective of this strategy to ensure that the best interests of any children affected are considered when a mother is in contact with the criminal justice system. For further information about the Transforming Lives programme, see [www.prisonreformtrust.org.uk/women](http://www.prisonreformtrust.org.uk/women).

## **About Families Outside**

Families Outside is the only national charity in Scotland that works solely to support the children and families of people affected by imprisonment. It seeks to improve outcomes for children and families through a range of activities, including a support and information Helpline; Family Support Workers who provide direct support to children and families throughout Scotland; training and awareness-raising; the development of policy and practice; and campaigning and research. Families Outside also coordinates all existing and new visitors' centres at prison establishments across Scotland. For more information, visit [www.familiesoutside.org.uk](http://www.familiesoutside.org.uk).

## **Credits and acknowledgements**

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The report is informed by the views and experiences of the mothers, children and young people who responded to a call for evidence issued by the Prison Reform Trust and Families Outside in September 2017 and the children who attended a Person Shaped Support (PSS) focus group in October 2017 which was co-facilitated by the Prison Reform Trust. In addition, we would like to thank the academics, and voluntary and statutory sector staff, who shared their expertise with us and especially those who enabled us to speak directly to women in prison.

We are grateful to all of the women and children who took part in our research, whose insights are invaluable in seeking to develop a more just and humane response to children affected by maternal imprisonment. Individuals' names have been changed to preserve anonymity.

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## **“What about me?”**

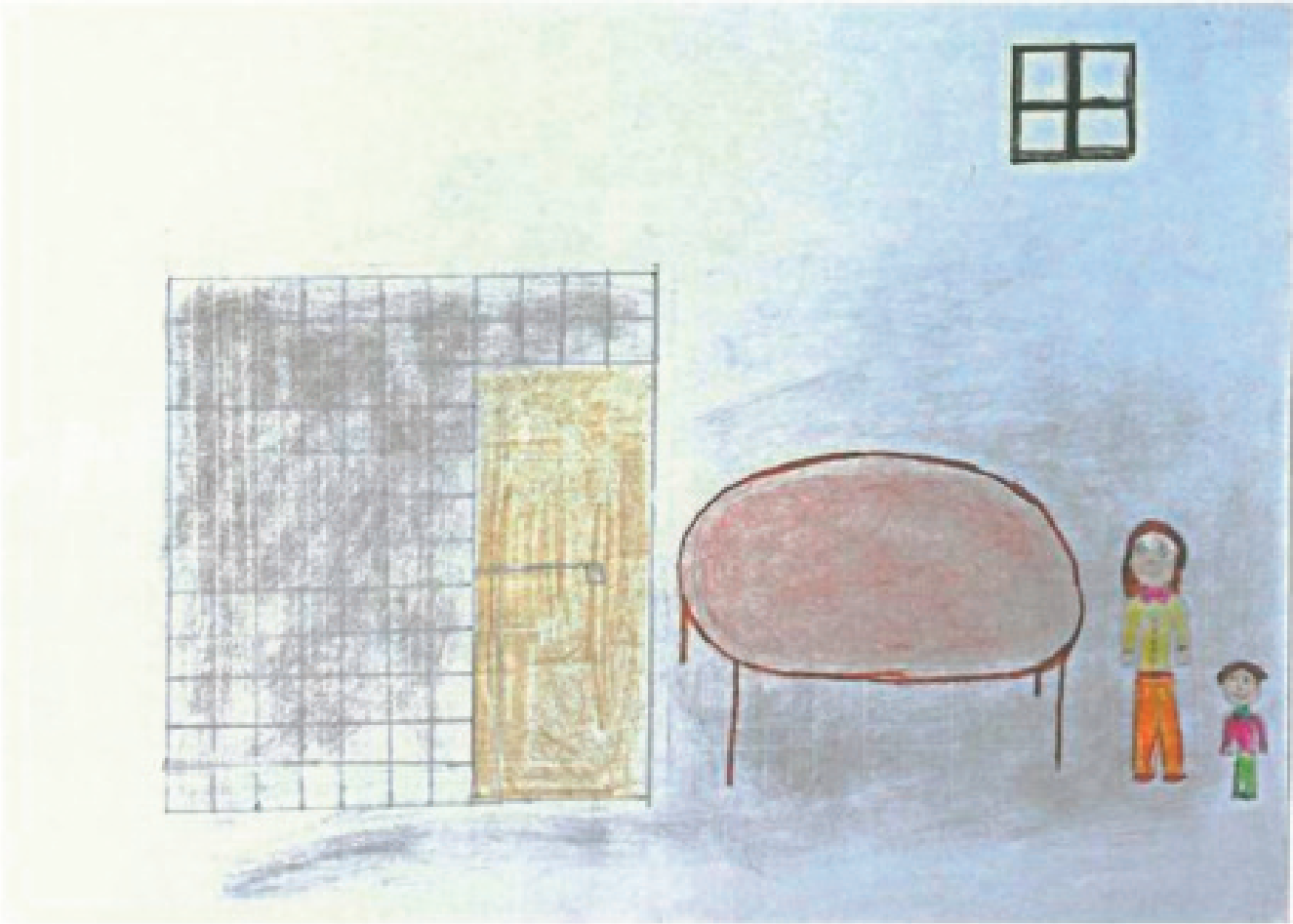
The impact on children when mothers are involved  
in the criminal justice system

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credit: Action for Children Family Help Centre and Help Hub, Hmp Grampian



credit: Children of Prisoners Europe

## Introduction

*It was a horrible time. I was sad a lot of the time and didn't want to explain to my friends what had happened.*

(Aliyah, 13)

*I would say there is definitely more of a stigma when a mum goes to prison. In particular, young people have seemed more embarrassed to talk about it or felt more shame when it is mum and not dad. This could be due to the fact it is so much less common for a young person to have a mum in prison, and as such [they] feel isolated, alone or like they may be judged.*

SCOPE (Supporting Children and Siblings of Prisoners Every day) Project Worker, Niacro

The imprisonment of a household member is one of ten adverse childhood experiences (ACEs) known to have a significant negative impact on children's long-term health and wellbeing, their school attainment, and later life experiences.<sup>1</sup> Recent research suggests a link between parental imprisonment and premature death.<sup>2</sup> As most primary care givers are women, the imprisonment of a mother is particularly devastating for children, affecting every aspect of life and generating a wide range of emotions, including grief, trauma, and shame.

*I have provided direct support to children of prisoners for almost 10 years. All the children have multiple challenges to face, but the children of imprisoned mothers endure much greater hardships. Although the children share many of the same issues (misplaced guilt, separation anxiety, bullying, etc.), it is clear that those with mothers in prison are the 'marginalised' within this marginalised group. There is far more upheaval in their lives, and they feel different because they are in the minority.*

Senior Lecturer, Liverpool John Moores University

- The number of children affected by maternal imprisonment each year is not known, as this information is not systematically recorded. The estimated annual number of children affected is 17,240 in England and Wales,<sup>3</sup> but it is likely to be significantly higher than this, as the number of women in prison has increased.<sup>4</sup> While there are no corresponding statistics for Northern Ireland and Scotland, an estimated 65% of women in prison in Scotland are mothers.<sup>5</sup>
- The UK still has one of the highest rates of women's imprisonment in Western Europe.<sup>6</sup> Women have been described as 'correctional afterthoughts' who are overlooked in policy, planning, and services.<sup>7</sup> This is even more true for their children.
- Research about the effects of parental imprisonment on children rarely distinguishes between the parent as a father or a mother, and very few studies draw direct comparisons between children's experience of having a mother in prison compared to a father. However, the research available shows that the absence of an imprisoned mother often has a greater impact.<sup>8</sup>

- In a large-scale authoritative study, 61% of women in prison had children under the age of 18.<sup>9</sup> In a more recent small-scale study, 17 imprisoned women had a total of 50 children between them.<sup>10</sup>
- A fifth of women are lone parents before imprisonment.<sup>11</sup>
- A 2011 report estimated that up to 6,000 children a year are “being forgotten by the state when their mother is sent to prison.”<sup>12</sup>
- Only 5% of children remain in their family home when a mother goes to prison.<sup>13</sup> As well as a change of home and carer, many children encounter other significant changes such as moving school and being separated from siblings.<sup>14</sup>
- It is common for children with mothers in prison to be cared for by their grandparents, with grandmothers generally doing the majority of the care, yet grandparents are seldom consulted or supported in this role.<sup>15</sup>
- The last Criminal Justice Joint Inspection review of resettlement (England & Wales) recommended more focus on the specific needs of women as parents.<sup>16</sup>
- A number of reviews and reports have commented on the social and economic costs of imprisoning mothers for non-violent offences, though few of these have included the voices of children themselves. The nef (New Economic Foundation) report in 2008 estimated a cost of more than £17 million over a ten-year period to children themselves and to the state – much of this due to the increased risk of poor educational and employment outcomes.<sup>17</sup>

This report sets out the findings of the Transforming Lives “What about me?” project and makes recommendations to ensure that the best interests of children are considered at all stages of the criminal justice system if their primary carer, usually their mother, is in trouble with the law. Most of the recommendations can be applied to improve outcomes for children whose fathers are in prison.

## Overview of findings

Five broad themes emerged from our research and conversations with young people, mothers, and those working with families in a statutory or voluntary capacity:

- ▶ Children with a mother in prison are **invisible** within systems that should protect them
- ▶ Every aspect of a child’s life is **disrupted** when a mother goes to prison
- ▶ Children feel especially **stigmatised** as a result of their mother’s imprisonment
- ▶ Children affected by maternal imprisonment face many **barriers** to support
- ▶ With the right support, children can be **resilient** and develop the skills to thrive.

These themes both reflect and confirm the findings of other research in this area, and the material presented here constitutes a compelling case for reform.

Most importantly, children and young people identified that:

- ▶ The experience of having their mother sent to prison is particularly hard. A mother is supposed to be there for her children, so her absence is more unusual and therefore difficult to explain to others
- ▶ Feelings may change over time and will vary within sibling groups. Having opportunities to revisit decisions (e.g. about contact with their mother) is crucial
- ▶ Their views, concerns, and best interests are rarely considered in criminal justice processes.

## **Methodology**

From June 2017 to May 2018, the Prison Reform Trust partnered with Families Outside to research and identify the particular impacts on children of a mother's involvement in the criminal justice system. This included desk-based research, including a literature review, and extensive consultations with women and children who have personal experience. Over the course of the "What about me?" project, we facilitated:

- four focus groups and several one-to-one conversations with 25 women in prison in England, Northern Ireland, and Scotland, who have a total of 65 children between them
- a focus group with six mothers recently released from prison
- a focus group with six children who have experience of a mother in prison
- a call for evidence to which 19 young people with experience of a mother in prison responded.

In addition, we engaged with statutory and voluntary organisations supporting women and children and spoke to women who had completed a community sentence as well as grandmothers left caring for children following maternal imprisonment.

We held a roundtable with a wide range of experts and stakeholders in December 2017, including a young person with experience of a mother in prison; a mother currently serving a prison sentence who was released on temporary licence (ROTL) to attend; and a mother who had received a community sentence.

### **Four nations, one issue**

Statutory and policy frameworks differ in England, Wales, Scotland, and Northern Ireland, particularly in relation to child protection, as does terminology, but the problems identified in this report, and the underlying principles are similar. Where possible, we have included equivalent references to corresponding terms. The NSPCC has a useful section on its website, setting out the key aspects of the child protection system in each nation.<sup>18</sup>

## A children's rights approach

The Human Rights Act 1998 and the United Nations Convention on the Rights of the Child (UNCRC) 1989 require that the best interests of children with a parent in the criminal justice system are considered at all times.<sup>19</sup> Yet children are rarely given opportunities to be listened to or have their rights respected in adult criminal court proceedings. It is a specific goal of the Children and Young People's Commissioner for Scotland to give the UNCRC more force by incorporating it into Scottish law.

The Council of Europe recently issued recommendations aimed at safeguarding the rights and interests of children of imprisoned parents.<sup>20</sup> These recognise the vulnerability of such children, and seek to "alleviate the avoidable adverse impact of a parent's imprisonment on children."<sup>21</sup> The recommendations spell out the obligation<sup>22</sup> for a rigorous assessment of the needs and rights of the child to ensure that every child with a parent in the criminal justice system has the following rights respected:

- not to be discriminated against or punished because of the status of their parent<sup>23</sup>
- for their best interests to be at the heart of any sentencing decisions<sup>24</sup>
- not to be separated from their parents, unless contact is against their best interest<sup>25</sup>
- to express their views and for those views to be considered<sup>26</sup>
- to special care and protection if they cannot live with their parents<sup>27</sup>
- and, in accordance with the Human Rights Act 1998, the right to private and family life.<sup>28</sup>

*The best interests of the child need to be considered at every stage.*

Action for Children staff member

### The Bangkok Rules

The UK has ratified the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders 2010 (known as the Bangkok Rules). These state that non-custodial sentences are preferable for women with dependent children and that if a custodial sentence is absolutely necessary, this should only be given after considering the best interests of the child and ensuring that appropriate provision has been made for the child.<sup>29</sup>

In the United States, which has not ratified the UNCRC, the San Francisco Children of Incarcerated Parents Partnership<sup>30</sup> developed a framework for policy reform that includes the following rights:

- to be kept safe and informed at the time of my parent's arrest
- to be heard when decisions are made about me
- to be considered when decisions are made about my parent
- to be well-cared for in my parent's absence
- to speak with, see, and touch my parent
- to support as I face my parent's incarceration
- not to be judged, blamed, or labelled because of my parent's incarceration
- to have a lifelong relationship with my parent.



Children of Prisoners Europe (COPE) is supporting its network members to develop and implement a memorandum of understanding regarding the protection of the rights of children.<sup>31</sup>

In the UK, there are examples of organisations developing their own charters for children affected by imprisonment, for example Bristol City Council and Barnardo's;<sup>32</sup> Barnardo's Community Support for Offenders' Families (CSOF) on the Isle of Wight;<sup>33</sup> and Pact.<sup>34</sup>

### **Alex's story**

Barnardo's runs Acorn House, an overnight visiting facility at HMP/YOI Askham Grange which helps children have meaningful contact with their imprisoned mothers with minimal intervention from prison staff. The 'home from home' environment allows the opportunity for a range of activities such as cooking, playing games, or just snuggling up on the sofa to watch television. Alex (15) found overnight visits with his mother really helpful. He was always greeted by prison staff who knew his name, and he appreciated that his mother was always more relaxed during their time together which allowed them to have difficult, but helpful, conversations. Alex felt that the visits in Acorn House meant that he and his mother could have a fresh start on her release: "I loved it... felt like normal again."<sup>35</sup>

## **Challenging common misconceptions**

There are common misconceptions that need to be addressed as part of the strategy to improve outcomes for women and their children and families.

### **Women in the criminal justice system shouldn't be treated any differently from men**

The fact that women's lives are different from men's in so many respects, and that they are a small minority of those in the criminal justice system, requires decision makers to be alert to their circumstances. The Equal Treatment Bench Book for England and Wales states that "Fair treatment does not mean treating everyone in the same way" and emphasises that sentencers must be aware of the differential impact sentencing decisions have on mothers and the disproportionately punitive impact of prison on those with caring responsibilities and their dependents.<sup>36</sup>

### **It's better for children to be removed from their mother if she commits a crime**

It is wrong to assume that a child is necessarily better off without their mother because she has committed a crime. Imprisonment almost always causes a profound sense of loss for children, regardless of their mother's offending.<sup>37</sup> The grief children experience when a mother goes to prison has been described as a 'confounding grief' which affects every aspect of their lives and often means that they don't receive the support they need.<sup>38</sup> The outcomes for children who are removed from their primary care giver or taken into local authority care are very mixed.<sup>39</sup> It is an important safeguard that in all cases where children will be affected by a mother's sentence, the court has a duty to consider their best interests and should take the opportunity to ensure that appropriate support is available.

### **If mothers thought about the consequences for their children, they wouldn't commit crime**

Women's offending is commonly related to underlying problems including financial need<sup>40</sup>, often prompted by concern to provide for their children. The imprisonment of women can result from

the non-payment of fines or non-compliance with community penalties in relation to these, rather than the offences themselves.<sup>41</sup> There are strong links between women's experience of coercive relationships and their offending – women can become trapped in a cycle of victimisation and offending, with children making it harder to leave an abusive relationship.<sup>42</sup>

### **If children aren't living with their mother prior to sentencing, it's irrelevant to them if she is sent to prison**

Even when children are not living with their mother, her imprisonment can have a devastating effect. The children we consulted who had not been living with their mother at the time of her imprisonment said that, as well as being denied the freedom to contact their mothers, they experienced stigma, shame, and grief associated with the imprisonment.

### **Being a mother is used as an excuse to avoid punishment for a crime**

Having children is not a reason in and of itself to avoid a prison sentence. However, because the majority of primary care givers are women, the imprisonment of a mother is likely to have a far greater impact on children, and this can and should be taken into account in sentencing decisions. Most women are imprisoned for non-violent offences; the outcomes for women who are sent to prison are significantly worse than for those given community orders,<sup>43</sup> and the consequences for their children is far-reaching, as this report makes clear. Many of the women we spoke to felt that having children was seen as an aggravating factor in sentencing, rather than a mitigating one.

*Mum had struggled to look after us before she went to prison, but at least she was around and we could talk to her. We'd already moved in with our grandparents a year before, as mum couldn't cope any more. When she went to prison I felt ashamed and didn't want to tell my friends.*

(Kiara, 13)

#### **Layna's story**

Layna (23) is a student with an 8-year-old son. Following an incident related to an ongoing feud with the family of her abusive ex-partner, Layna was arrested for common assault. When Layna told the police that she was 6 weeks pregnant, the officers carried out a full risk assessment. They did not use handcuffs and allowed Layna to contact her mother to arrange for her son to be picked up from school. The custody sergeant was aware of Women's Pathfinder, a partnership diversion programme run by IOM (Integrated Offender Management) Cymru and Include (formally Gibran). Liaison between the sergeant and the Women's Pathfinder team led to Layna being offered a full needs assessment. She was released without further action and has engaged in a range of support to safeguard her, her son, and unborn child. Layna has not reoffended since. Despite its excellent outcomes, a commitment to fund the programme longer term has not yet been established.

# Emerging Themes

## Invisibility

Children affected by imprisonment are rarely recognised as a distinct group within the systems and structures that should protect them, and there is no government agency responsible for their wellbeing.<sup>44</sup>

*It was hard, and I was sad. Dad said I had to keep it a secret.*

(Sam, 9)

*Sentencers should know about the children. You get victim impact statements. What about a child impact statement in the child's own words or even with pictures?"*

(Resident of Adelaide House, Female Approved Premises)

There is no accurate recording and monitoring of the number of children in the UK affected by maternal imprisonment. The estimates that are available are patchy at best and are likely to be underestimates due to women's reluctance to disclose. In answer to a recent parliamentary question, the Secretary of State for Justice said that information on the number of women who had children under the age of 18 at the time of their sentencing "is not held centrally and can only be obtained at disproportionate cost."<sup>45</sup> This is a shocking admission and signifier of neglect.

In a recent study of the impact of short prison sentences on women, many of the women felt that their role as mothers was not given consideration by the court.<sup>46</sup> An earlier study in HMP Holloway reported that 42 women being held there had no idea who was looking after their children and that 19 children under the age of 16 were looking after themselves.<sup>47</sup> None of the women we spoke to could recollect being asked on admission to prison if they had dependent children. The Criminal Justice Act (Scotland) 2016 requires that all prisoners be asked on reception to prison whether they have children, and that this information be shared with the named person (under Children and Young People (Scotland) Act 2014). However this section of the Act has not yet been implemented.

### **The role of Children's Commissioners**

The Children and Young People's Commissioner (CYPC) for Scotland and the Children's Commissioner for Wales recognise children affected by imprisonment as a distinct vulnerable group. The Commissioner's office in Scotland has produced material highlighting the need to ensure adequate and timely support for children affected by parental imprisonment and also promotes the use of a child rights & wellbeing impact assessment (CRWIA) through a toolkit showing how these should be conducted.<sup>48</sup> Despite a recommendation from the CYPC in Scotland in 2007 for the use of a child impact assessment when a parent faces imprisonment, the Scottish Government has yet to agree to this. The Children's Commissioner for Wales has included a young person with experience of parental imprisonment on one of her advisory panels. The Northern Ireland Commissioner for Children and Young People has committed to establishing how many children are affected by maternal imprisonment in order to identify and support them.

Pre-sentence reports (Criminal Justice Social Work reports in Scotland) should include information about dependent children. In England and Wales, many reports are written on the day of the hearing, which means that critical information about the impact on children who will be affected may not be captured. Unless women trust the process and feel comfortable about sharing information about their family circumstances, they will be reluctant to disclose. Mothers told us that, whilst they understood that statutory services (e.g. social workers and probation staff) should know about their children, they feared children being taken into care if they admitted to having problems. They often felt more comfortable sharing that information with staff from voluntary sector organisations.

The Scottish Sentencing Council recently discussed the potential use of child impact assessments, which focus on children in their own right rather than as an aspect of mitigation.<sup>49</sup> In principle, such assessments would require a court to consider the impact of imprisonment upon the welfare and wellbeing of any dependent children and seek to ensure that children receive appropriate support.<sup>50</sup>

As highlighted in previous research,<sup>51</sup> the children we spoke to said they would have liked the magistrate or judge to have taken their feelings, and the impact of a sentence on them, into account when making their decision. Instead, they reported feeling invisible throughout the process. A tool such as a child impact assessment would ensure that children are listened to and could highlight risks to children's rights and wellbeing.<sup>52</sup> If children are recognised at the earliest opportunity, including at the point of arrest or when arrest warrants are issued, they can then be offered support prior to a court hearing<sup>53</sup> and given an opportunity to inform pre-sentence reports.

*It was awful. I came home from school, and no one was there.*

(Luke, 13)

Data collection, monitoring, and information sharing about children must be open, sensitive, and transparent so that families understand who knows, what they know, and how the information will be used.

### **COPE**

Children of Prisoners Europe (COPE) is a European-wide membership network which seeks to increase awareness of children with an imprisoned parent and the issues they face. Acting as a voice for children, COPE provides a forum to foster the exchange of ideas and good practice for supporting children; training for professionals and volunteers; and a resource centre which includes statistics on the numbers of children affected and information about the psychological and social impact of parental imprisonment on children.

See [www.childrenofprisoners.eu](http://www.childrenofprisoners.eu) for more information

## Recommendations to increase recognition of children:

- **UK Governments** should:
  - ▶ Establish a national framework for identifying and safeguarding children affected by maternal imprisonment, including improved data collection and tackling barriers to disclosure.
  - ▶ Consider implementing child impact assessments to ensure that a child's needs are identified and addressed when a mother is in contact with the criminal justice system.
- **Local Authority children's services** should:
  - ▶ Include the children of prisoners as a vulnerable group in their strategic planning especially children affected by maternal imprisonment.
- **Children's Commissioners** should:
  - ▶ Recognise and protect children affected by imprisonment, especially maternal imprisonment, as a distinct vulnerable group.
  - ▶ Promote initiatives that support children with a mother in prison.
  - ▶ Promote use of child rights & wellbeing impact assessments (CRWIA) in adult criminal justice processes.
- **Probation** (England & Wales, Northern Ireland) and **Criminal Justice Social Work** (Scotland) should:
  - ▶ Ensure that a child impact assessment, highlighting the needs of (and links to support for) any dependent children, is submitted to the court in all cases where a mother is being sentenced or remanded.
  - ▶ Liaise with partner agencies (e.g. social work, voluntary sector organisations) with regard to early intervention support for any children affected by the imprisonment of a mother.
- **Sentencers** should:
  - ▶ Be proactive in seeking information about whether an offender has caring responsibilities.
  - ▶ Request an impact assessment on any children affected to ensure that they are recognised within court processes and their best interests are taken into account.
- **Prison services (HMPPS, SPS, and NIPS)** should:
  - ▶ Collect accurate data on the children of women in prison, and ensure it is sensitively used to support children affected, in accordance with Rule 7 of the 2015 UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and the UN Bangkok Rules.
- **Prison governors** should:
  - ▶ Seek information about children affected when a mother enters prison, and routinely throughout her sentence, to ensure appropriate support for both the woman and her children.

- **Criminal Justice inspectorates and regulators** should:
  - ▶ Monitor and report on support for children affected by maternal imprisonment, highlighting models of good practice.

## Disruption

Maternal imprisonment has a profound impact on every aspect of a child's life and is more likely than paternal imprisonment to involve significant disruption.<sup>54</sup> Women are far more likely than men to be sole or primary carers,<sup>55</sup> and imprisoning a mother often means the loss of parental care and the break-up of the family.<sup>56</sup> For the majority of the children affected by maternal imprisonment each year, it is the first time they have been separated from their mothers for more than a day or so.<sup>57</sup> Only 5% of children remain in their family home when a mother goes to prison<sup>58</sup>, and only 9% are cared for by their father.<sup>59</sup> As a result of changes in carer and home, there may also be a change of school. One study found that even children who were not living with their mother prior to the imprisonment struggled when their mother went to prison.<sup>60</sup>

*It's hard when it's your mum in prison... she's supposed to be the one looking after you.*  
(Malik, 13)

*I'm quite quiet now and don't like school – I don't have friends.*  
(Kiara, 13)

## The trauma of separation

Separation from mothers can be deeply traumatic for children. Secure attachment with their care giver is recognised as being essential for positive child development and behaviour.<sup>61</sup> Children with a mother in prison may experience stigmatisation, isolation, and discrimination as well as 'confounding grief', which is expressed in angry and aggressive behaviours.<sup>62</sup> Children who witness their mother's arrest often experience nightmares and flashbacks.<sup>63</sup> If a mother is arrested whilst children are at school, coming home to an empty house is confusing and traumatic.<sup>64</sup>

### Jake's story

Jake was really struggling at school and felt completely isolated as a result of his mum's imprisonment. He had a very close relationship with her and was keen to maintain this throughout her sentence but was unable to visit the prison due to transport arrangements and school commitments. A Nepacs youth worker was able to liaise with Jake's teachers and arrange for him to be released during the school day for special mother/child visits; Nepacs also arranged a chaperone to help with transport. These weekly visits gave Jake the opportunity to spend quality time with his mother, listen to her story, and understand what was happening. He was also able to ask for his mum's advice and share his plans for the future. As a result, Jake's relationship with his mother grew stronger, his confidence improved significantly, and his performance at school surpassed expectation.

The experience of a mother going to prison can have a negative impact on children's educational attainment<sup>65</sup> and may also make them susceptible to child exploitation. It is not just the prison sentence itself that has an impact; it is the enforced separation. A recent study found that

children with a mother in prison may show reduced empathy, which is a risk factor for future criminal behaviour, and that the impact is greater for girls with a mother in prison than for boys.<sup>66</sup>

*It's caused heartache for everyone.*

(Imprisoned mother)

*It made school a hundred times harder to focus on and didn't leave time for friends.*

(Chrissy, 19)

*The police have family liaison officers; they could speak to the kids so they're not panicking.*

(Imprisoned mother)

### **Working with the police**

With its aim of supporting children and families affected by imprisonment in Northern Ireland, Niacro works closely with the Police Service of Northern Ireland (PSNI) to inform the training of new recruits and to increase awareness among officers of the impact on young people of witnessing a parent's arrest. The PSNI has a Youth Champions Forum which engages children in shaping and delivering services as well as advising and assisting PSNI in the development and implementation of policies and practice to ensure better outcomes for children and young people.

Pact's recent Hear Our Voice project included training for 270 Metropolitan Police officers about the impact on children of policing actions, including home raids. Officers showed a better understanding of the trauma that carrying out a raid on a family home can have on children, and more than half reported changes to policy and practice as a direct result of the training. A report of the project makes recommendations which include training on the impact of police actions on children and guidance for officers when executing a warrant.<sup>67</sup> Pact has a section on its website with specific recommendations for the police: <https://www.prisonadvice.org.uk/for-police>.

### **Grief and loss**

The 25 children and young people we consulted told us that having a mother in prison was "rubbish" and "awful". They reported feeling confused, angry, upset, petrified, sad, lonely, and ashamed. One young person said he felt relieved when his mum went to prison, but he was also very sad and missed her. Almost all of the children said they missed their mother, and many said they cried a lot. The majority were looked after by grandparents, and some were taken into care. Additional grief was experienced by those who were separated from their siblings (due to care arrangements).

*My relationships with my family were all affected. Me and my brothers and sisters all went into care and were separated. When we would meet up, we didn't know what to say to one another.*

(Charmaine, 18)

Children also said it is particularly hard to have a mother in prison because of the sense of a mother being the one who shapes a person.

*Your mum makes you who you are.*

(Tyler, 12)

In addition, they felt that the absence of a mother is harder to explain to peers; it is a much more common experience for children not to be living with a father.

*A mum is the foundation of the family, and kids can't survive without them. The effects of me being in jail will continue inside my kids long after I am released.*

(Imprisoned mother)

Many children were told to keep their mother's imprisonment a secret and reported that this had made the situation even more difficult. Several said that they had been in trouble at school following the imprisonment of their mother. Children and young people told us that they did not want people (e.g. teachers, social workers) to assume that all young people feel the same when a mother goes to prison (especially within sibling groups). They wanted to communicate their thoughts and feelings with someone they trust in a way that left them free to be honest. One young person told us:

*I want to be allowed to be angry with my mum and miss her at the same time. If I say I don't want to see her, that doesn't mean forever – I need to be able to change my mind.*

(Katelyn, 15)

*It's affected all four of my kids in different ways.*

(Resident of Adelaide House, Women's Approved Premises)

### **Danielle's story**

Danielle has two sons, aged 8 and 16. Prior to sentencing, a criminal justice social work report was prepared which outlined the consequences for Danielle's children should she receive a custodial sentence; a recommendation for a Community Payback Order was made. Instead, Danielle received a prison sentence; her eldest son was placed in residential care, and the younger with foster parents. Danielle describes her time in prison as unexpected and terrifying: "I said no to everything and shut myself away." As a consequence of this, she was unaware of the option of family visits with her children or the support available to her. She did follow the advice of the local authority Housing services, however, to relinquish her tenancy voluntarily on the understanding that an application for accommodation on release would be considered more favourably. When Danielle was released on home detention curfew (HDC), or 'tag', she was informed that her application for a tenancy would not be considered until the HDC expired and she presented as homeless. Although Danielle has now been out of prison for six months, her younger son remains in foster care and does not understand why he cannot live with his mum. Her older son has chosen to live independently at just 16.



## Devastation

Mothers said that their imprisonment has been devastating for their children and that it will continue to have a long-term impact on every area of their children's lives:

*It's ripped our family apart.*

*My daughter has developed serious depression.*

*The children saw me being arrested. It still affects them to this day.*

*My son started drawing sad pictures in school.*

*The separation is huge.*

*It's mashed their heads – they don't know how to express their anger.*

All of the women in prison we spoke to reported being worried about their children and felt that it is especially hard for children to have a mother in prison.

Some women talked about their teenage children (16- and 17-year olds) being left to cope alone at home, with several having been left to look after younger siblings with little or no support from social services.

*My family ceased contact with my children when I came to prison; they no longer see any extended family. My son lost his love for life and has attempted suicide twice as a result of me being in here. My daughter had to leave school to care for her brother. They had issues getting along as siblings, and I was not there to help them work it out. My son stopped taking any interest in school and refused to eat. My children were left to starve due to lack of financial help because the benefits stopped.*

(Imprisoned mother)

In some cases, maternal imprisonment may put unsupported children at greater risk of offending behaviour:

*As soon as I went to prison, my daughter's life spiralled down – she's been in and out of trouble ever since and ended up in prison herself. There's no addressing the issue, no help.*

(Imprisoned mother)

*I was in and out of care, and when I was 4 my mum went to prison. Knowing that I couldn't see my mum when I was adopted had a massive impact on me ... I ended up in jail myself.*

(Imprisoned mother)

### **Family Law Clinics**

The Prisoners' Advice Service (PAS) provides free and confidential family law advice to women who are separated from their children due to imprisonment. Working in conjunction with Rights of Women, PAS in-prison clinics offer advice on a range of family issues, including involvement in decisions and proceedings about children; exercising parental responsibility; and contact arrangements with children. This support enables mothers to maintain as active a role as possible in their children's lives and aims to reduce the separation of children permanently, or temporarily, from their birth families. The clinics began in HMP Bronzefield and are due to be rolled out in HMPs Downview, New Hall, and Send. Rights of Women is piloting advice booklets for women as an additional support.

Many of the women we spoke to felt that they had not been prepared for a prison sentence and that the shock had made it much harder for the children. The Bangkok Rules recommend that where a custodial sentence is necessary it should be postponed to allow appropriate childcare arrangements to be put in place.

Some of the women in prison we consulted had children who were being put up for adoption. This is a very distressing time for birth mothers, and it is important that women are supported to understand and participate in the process, even from prison.

*His dad died when I was in prison so he's gone into foster care. I couldn't be there for him.*  
(Resident of Adelaide House, Female Approved Premises)

### **The need for training**

Women, children, and practitioners all raised the importance of training to ensure that children with a mother in prison receive appropriate support and that information about their wellbeing informs decisions and interventions. It was felt that police, social workers, teachers, prison staff, and specialist services (e.g. Child and Adolescent Mental Health Services) would be better equipped to support children if they had a deeper understanding of the impacts of maternal imprisonment on children.

### **Training**

Action for Prisoners' and Offenders' Families (APOF), now part of Family Lives, developed the Hidden Sentence training programme for all professionals who come into contact with prisoners' families, including children's centre workers, school staff, play workers, health visitors, and family intervention teams. The courses, delivered nationally by APOF and various other organisations, provide an overview of issues which prisoners' families routinely face as well as strategies and resources to help support families. Families Outside offers Out of the Shadows training, a series of multi-agency workshops, as well as in-prison continuing professional development sessions for teachers and other professionals across Scotland. Niacro, in partnership with the Quaker Service, Prison Fellowship, and Barnardo's, delivers Think Family training to new prison staff recruits as part of their induction. In addition, Niacro delivers bespoke training to education providers across Northern Ireland on the impact of imprisonment on children.

Judicial and legal education is helpful for those representing or sentencing parents of dependent children. Sentencing Council Guidelines in England and Wales do provide for primary care responsibilities to be considered, but research has found that sentencing decisions are also affected by a judge's own experience and attitudes and their knowledge and understanding of the effects of imprisonment.<sup>68</sup>

In an innovative partnership supported by the Economic and Social Research Council, Oxford University Centre for Criminology, and the Prison Reform Trust came together to create new resources for criminal justice professionals to help improve their understanding of the impacts of maternal imprisonment.<sup>69</sup> Dr Shona Minson won an 'impact award' for her series of short films and briefing papers for sentencers, legal professionals, probation staff, and women awaiting sentence. The briefing paper *Safeguarding Children when Sentencing Parents* and accompanying film have been designed for women to give to their legal representative to ensure that the needs of any dependent children are fully considered.<sup>70</sup>

### **Challenges for grandparent carers**

Almost all the children who took part in the "What about me?" project were looked after by grandparents during their mothers' imprisonment. The children were very appreciative of their grandparents but also acknowledged that there were challenges such as grandparents' age and health making it hard for them to engage fully in the children's lives.

*My nan and grandad are great, and I love living with them, but I get jealous when people at school talk about their parents doing things with them like playing football or running around – grandad can't really do that anymore.*

(Joe, 10)

Caring for children due to the imprisonment of a mother is stressful for grandparents; there is little emotional or financial support, and many feel very isolated.<sup>71</sup> Furthermore, the relationship to the children changes from one which was playful to carrying the responsibilities of main carer. This adjustment can be difficult for grandparents and confusing for children.<sup>72</sup> The grandmothers we spoke to raised several concerns:

- If the prison sentence is not anticipated, grandparents may not find out until after children have already been passed around several temporary carers or, in some cases, been left alone to cope.
- Grandparents may find it hard to disclose to social services that they are caring for children, and any challenges they face, for fear that the children might be removed into the formal care system.
- Some grandparents move into the children's house in order to offer stability and continuity (staying at the same school, for example), which can cause complications with their own housing and any housing benefit arrangements.
- All the grandmothers spoke about the financial strain of caring for children. Many local authorities encourage informal care arrangements, as these avoid the financial support which foster carers are entitled to. kinship care or guardian's allowances may alleviate some of the financial burden; readily available advice about eligibility is key.

- Formal parental responsibility is required in order to make decisions about children's schooling, medical treatment, and legal orders such as applying for a passport, but many grandparent carers have informal care arrangements rather than official parental responsibility. Access to free specialist legal advice should be routinely available.
- Grandparent carers can find it hard to facilitate prison visits due to cost, distance, and their own mobility issues.

### **Carol's story**

Carol's daughter Lucy is in prison serving a four year sentence; this came as a shock to everyone, as Lucy had been told by her lawyer that a prison sentence was unlikely. Carol only found out that her daughter had been sentenced when the school contacted her to say that no one had collected Lucy's two children from school. Carol and her husband took on the care of both children and have found it really difficult financially (they are using up their life savings which they had hoped to use for travelling in their retirement); emotionally (Carol has been ostracised by friends and neighbours, and the media stories caused huge upset, especially to the children); and physically (the children are active, and Carol feels that she and her husband cannot offer the same provision as parents would). Taking the children to visit Lucy in prison takes the best part of a day on public transport, and is costly, but Carol continues to do this, as the children really benefit from seeing their mother. Carol has had no formal support from social services, but thanks to Children Heard and Seen she now knows other grandmothers in the same position, and this has made an enormous difference. The children also benefit from the mentoring support provided by Children Heard and Seen.

*Those in the care of elderly relatives have more trouble getting to and from our support sessions. Grandparent carers are less likely to have cars and are more likely to have health challenges. The smaller number of women's prisons means children are more likely to have to travel greater distances to visit, and many grandparent carers do not have transport, money, or the energy to cope well. One child told us she and her arthritic great-grandmother would sit for long periods of time in cold bus shelters (buses are cheaper than trains) to get to prison visits. There's also a bias to place children with maternal grandparents, rather than paternal grandparents, meaning children with imprisoned mothers are at greater risk of losing contact with their fathers as well as their mothers.*

Senior Lecturer, Liverpool John Moores University

## **Recommendations to reduce the disruption for children:**

- **UK Governments** should:
  - ▶ Implement a presumption against the use of custodial sentences of under 12 months, as the Scottish Government has committed to do.
  - ▶ Ensure measures are in place to minimise the use of imprisonment for primary carers, recognising that this is usually the mother.
  - ▶ Ensure financial and practical support is available to kinship carers where children are looked after by other family members as a result of a mother's imprisonment.
- **Local Authority children's services** should:
  - ▶ Recognise that children with a mother in prison may have multiple carers and ensure that their 'looked after' status, whether formal or informal, is acknowledged and supported.

- ▶ Ensure that health, education, and social care providers are aware of the impact on children of having a mother in prison.
- ▶ Ensure that advice for kinship carers of children affected by imprisonment is routinely available.
- **Police** should:
  - ▶ Receive training about the impact on children of witnessing their mother's arrest.
  - ▶ Develop protocols for arrest when children are present in accordance with the Council of Europe directions.
  - ▶ Ensure, particularly in cases where a mother is a sole carer, the safeguarding of any children affected by an arrest.
- **Sentencers** should:
  - ▶ Be made aware of the serious impact on children when a mother is remanded or sentenced to custody, and of specific consequences in each case.
  - ▶ Avoid remanding a woman to prison when a custodial sentence is unlikely.
  - ▶ Make every effort to divert women away from prison.
  - ▶ Provide the opportunity for a mother to make necessary care arrangements for her children before entering prison.
- **Prison services HMPPS, SPS, and NIPS** should:
  - ▶ Ensure that all staff receive training about the specific impacts on children of having a mother in prison and the impacts of separation on the mothers themselves.
  - ▶ Take account of the location of imprisonment in relation to the child's place of residence.
- **Prison governors** should:
  - ▶ Foster links with services in the community and in-prison initiatives that offer support to children.
- **Child and Family social workers** should:
  - ▶ Ensure that children affected by maternal imprisonment receive consistent support throughout a mother's sentence.
  - ▶ Take children's ages and circumstances into account, without assuming that a child is able to look after themselves because they are legally an adult (18 in England, Wales, and Northern Ireland; 16 in Scotland).
  - ▶ Ensure that they liaise effectively with the mother's criminal justice social worker (Scotland) or probation officer / offender manager (England, Northern Ireland, and Wales).
- **Schools** should:
  - ▶ Ensure that all staff are aware and trained in how to deal with issues around parental imprisonment, and that children with a mother in prison receive appropriate support.
- **Organisations working with children and families affected by imprisonment** should:
  - ▶ Recognise the particular needs of children with a mother in prison and offer specific support services.
- **Other organisations working with children** should:
  - ▶ Recognise that children with a mother in prison are particularly vulnerable and may require referral to specialist organisations where available and appropriate.

## Stigma and secrecy

Many of the children we consulted expressed strong feelings of shame about their mother's imprisonment and felt judged by others, including friends, teachers, social workers, and prison staff.

*I felt ashamed and didn't want to tell anyone.*

(Declan, 13)

Some children felt that this judgement had led to decisions being made without due consideration of their own views. For example, in some cases social workers had decided that it was 'not right' for children to visit their mother in prison, but the children concerned felt that they had not been listened to.

*He's only 14, and his head's in limbo; he's not allowed to see me.*

(Imprisoned mother)

Media treatment of women in the criminal justice system can be particularly harsh,<sup>73</sup> and the negative language used to describe them<sup>74</sup> can be very upsetting for their children. Several children had experienced their mother's case being highlighted on social media, which caused considerable distress and led to bullying at school and social isolation. Children and carers found it particularly distressing – and frightening – when stories were published with names and addresses. Grandmother carers were worried about the family being judged by the community, and many had for this reason initially decided not to tell children the truth about their mother's imprisonment. This secrecy, or 'forced silence', can lead to a greater sense of shame and stigma for children.<sup>75</sup> It is notable that, for example, the media in Norway has a code of ethics which includes the protection of children through such measures as not publishing addresses in any reporting.<sup>76</sup>

*Schools could speak to children and explain about prison so that they understand, so those affected don't get bullied. These issues affect lots of people.*

(Resident of Adelaide House, Female Approved Premises)

*I would have liked someone to explain things to me and to people at school that it wasn't my fault.*

(Hailey, 9)

Mothers themselves reported that their children experience "massive stigma, especially at school." They talked about the embarrassment and shame felt by their children, and many said that their children had been "tarred with the same brush." They also spoke about their own sense of shame as mothers. Mothers in prison can internalise societal stigma and come to see themselves as a 'bad mother', which can have a negative impact on their children.<sup>77</sup>

*Education and understanding around having a parent in prison is needed so I didn't have to hide it from people in my year... as I feared how they would treat me. There was some bullying, and this shouldn't happen.*

(Gabi, 18)

Many of the women felt that judges and magistrates should visit women's prisons more often to have a better understanding of the environment and the impact on women separated from their children. This might encourage increased use of community-based orders that include treatment and support as well as punitive elements.

*He [the judge] looked over at my children and pointed at them and said, 'I'm punishing her like this [sending her to prison] to make sure you don't commit the same crime.'*

(Imprisoned mother)

In a family court, decisions must be made in the best interest of children. In stark contrast, the decisions made in a criminal court can result in children being separated from their mothers with no assessment of their wellbeing, and relatives are expected to take on the care of children without the support that other carers (e.g. foster carers) would receive.<sup>78</sup>

### **Dara's story**

When Dara was 12, both his parents were sentenced to prison. Dara joined Niacro's Independent Visitor (IV) Scheme which offers a volunteer-led independent befriending and support service to looked after young people aged 11 -18. Dara's volunteer met him regularly and provided support, encouragement, and continuity of contact. The volunteer supported Dara through a number of foster placements and ensured that he was involved in his looked-after child (LAC) reviews. At times when Dara was the subject of bullying, particularly when the media ran stories about his parents, his volunteer was sensitive to the impact of this and increased contact with Dara. Dara appreciated the support of his volunteer and rarely missed a visit during his 6 years on the project. Alongside support for Dara, his mother was referred to NIACRO's Women's Project, which aims to resettle women back into the community as they approach release. Dara expressed an interest in meeting with his mother, and the Women's Project worker supported his mother to prepare for their first meeting in 6 years.

## **Recommendations to reduce stigma**

- **Media organisations** should:
  - ▶ Develop and adhere to a code of conduct, similar to the Norwegian model, that seeks to protect children rather than stigmatise them.
  - ▶ Assess whether the reporting of certain details (especially identifying information) is necessary, in the public interest, and compatible with the child's rights and wellbeing.
- **Schools** should:
  - ▶ Actively seek to reduce the stigma, shame, and bullying commonly experienced by children with a mother in prison, e.g. by raising awareness through the curriculum or assemblies, having school 'champions' who are trained in how to support children affected, etc.

## Barriers to support

The invisibility and stigmatisation of children affected by maternal imprisonment are barriers in themselves to receiving the support they need to cope, but there are many other reasons why children remain unsupported. Throughout the “What about me?” consultation process, we asked children, mothers, carers, and practitioners what other factors they feel lead to children’s needs being ignored.

*I felt so alone.*

(Sonya, 16)

## Pre-existing disadvantage

*I wish my mum had got support so she didn’t get to this point.*

(Megan, 11)

*If we’d had better support in the first place, I wouldn’t be in prison.*

(Imprisoned mother)

The imprisonment of a mother usually compounds, rather than mitigates, pre-existing family problems for children.<sup>79</sup> Many of the children we spoke to felt that their mother would not be in prison had she received support at an earlier stage. Pre-existing disadvantages such as domestic abuse, mental ill-health, substance misuse, and poverty, can make it difficult for women to access relevant help and disclose information about their children. For example, mothers who experience domestic violence may find it difficult to access support for fear of losing their children to the care system.<sup>80</sup> Women with learning difficulties who come into contact with the criminal justice system are often not supported appropriately.<sup>81</sup> They find it harder to arrange care for children prior to a sentence, making children more vulnerable.<sup>82</sup> As black women are more likely to be sole parents, their children may be particularly vulnerable.<sup>83</sup>

*I was a single mum... my children have suffered greatly, both emotionally and financially, especially because I am a foreign national. My ethnicity does not exclude me from human rights. I am excluded from ROTL [Release on Temporary Licence] and child resettlement because I’m seen as a flight risk. I’m not going anywhere; I just want to be with my children. Their lives matter just the same as other kids.*

(Imprisoned mother)

### Family Drug and Alcohol Court

The family drug and alcohol court (FDAC), England and Wales, is a radical alternative to ordinary care proceedings. It uses an intensive, multi-disciplinary problem-solving approach, providing treatment as well as adjudication, and offers an alternative way of supporting parents to overcome the substance misuse, mental health, and domestic abuse problems that have put their children at risk of harm. FDAC’s approach is effective: more mothers cease misusing substances and are reunited with their children than in ordinary care proceedings. FDAC provides an effective model of a problem-solving court that could be adapted for criminal proceedings to ensure that the best interests of children are considered in the process and sentencing outcomes and to reduce the use of custody. See [www.fdac.org.uk](http://www.fdac.org.uk) for more information.



## **Lack of trust in systems of care and support**

All the women talked about the importance of trust when it comes to disclosing information about their children, and their reluctance to do so if they fear a punitive response. Although some prisons may ask women on reception about any children, this is not routinely done in all women's prisons. Many women felt that reception is not the best time to be questioned about children, as they were often feeling shocked and fearful of what disclosing that information might mean for their children. Who, how, when, and what women are asked about their children need careful consideration so that mothers are reassured about the consequences of disclosure and the fact that their children will receive appropriate support.

*Awareness is a barrier – if agencies don't know about your kids, they can't help you.*

*Lack of trust ... it's all text book and rules, like we're not human. We need more compassion.*  
(Imprisoned mothers)

Women said that they wanted to feel confident in the systems that are there to provide support, but many felt their own negative childhood experience of social services was a barrier to engagement. Many told us that it would help if their own, and their children's, social workers recognised the dread many mothers have of their children being taken away.

*Social services are there to bring families together, but there is often too much fear and poor communication.*  
(Imprisoned mother)

*It's so important to have consistency in approach, whether that is from social workers, prison staff, judges – all the women here deserve respect, and they want to be included in the care of their children.*  
Family Engagement Worker, POPS

Whilst some women reported a positive relationship with social workers, frustration was expressed with frequent staff changes and inconsistencies in approach. Whereas a child's social worker is rightly focused on the needs of the child, there is often no-one to advocate and provide support for the mother in relation to contact with her children.

Most of the women said that they felt some social workers assume too readily that children should not visit a prison, which is a barrier to maintaining contact and to women's rehabilitation. Mothers felt that it was important to be given the opportunity to meet their children's social worker as part of the process of establishing the best interests of each child.

*Just because I'm in prison, shouldn't mean I lose my supervised contact with my kids. I saw them once a week before.... Why should that change just because I'm in here?*  
(Imprisoned mother)

All the women we spoke to felt that children need to see their mother to know that she is safe and that it is imperative that social workers understand this. It is important that social workers ask children how they feel rather than make assumptions, particularly about contact. This was also reflected in responses from children themselves, who said they wanted to be able to change their minds about contact. Many said they felt angry at first and did not want to visit, but later changed their minds and felt they were not given the opportunity to revisit their decision.

*I don't think that social workers should be the only ones to decide what's best for the kids. I wanted to tell my daughter myself that I'd been sent to jail, but her social worker ended up showing her a picture of a woman in handcuffs and telling her I was in here because I'd 'been naughty like that woman.' I wish [the social worker] had spoken to me first.*

(Imprisoned mother)

Women also said that effective and timely communication was essential when it came to the welfare of their children. Many complained of being the last person to know what was happening to their children. One woman told us that she was devastated to receive papers for a looked-after child (LAC) review, asking for her input, after the review meeting had taken place.

*When social workers come into the prison, come and listen to the women, it makes all the difference.*

Family Engagement Worker, POPS

As well as the importance of their own trust in systems of support, women spoke about the lack of trust that some prison staff, social workers, and others have in them and in their potential to change. Women and children reported that judgemental attitudes are particularly unhelpful and make it less likely that they will disclose problems.

*When you're in jail, no one trusts you. A lot of them think we deserve to be there. We don't.*

(Imprisoned mother)

*A lot of women here have been through the care system themselves so they are really reluctant to have contact with social workers.*

Family Engagement Worker, POPS

### **Unwieldy systems and processes**

With longer sentences, it can be beneficial for children to be able to spend extended periods of time with their mothers. Each justice system has a process to enable this: release on temporary licence and child resettlement (England & Wales); temporary release and extended home leave (Scotland); and temporary release and home leave schemes (Northern Ireland). Mothers we talked to reported that the systems for such arrangements are often unwieldy and slow and that it would be helpful to have greater clarity about decision making processes. In addition, many women felt that these arrangements should be child-centred and considered for special occasions related to the child (children's birthdays or their first day at school, for example), rather than dependant on the mother's behaviour or engagement.

*Decisions are made for them, without listening to them.*

Family Engagement Worker, POPS

Several women in our focus groups found that supervised contact with their children in the community ceased at the point of sentencing. Women reported that this was devastating for them and caused confusion and upset for their children. There is a need for more transparency about decisions regarding contact supervision, and imprisonment itself should not be grounds for arrangements to change.

### **Underuse of Mother and Baby Units**

Approximately 600 pregnant women are held in prisons in England and Wales each year, and some 100 babies are born to women in prison.<sup>84</sup> Mother and baby units (MBUs) can provide a supportive environment for babies to form healthy attachments with their mothers,<sup>85</sup> yet the number of women being granted places on MBUs has decreased in recent years.<sup>86</sup> It is crucial that women are made aware of MBU facilities at the earliest opportunity. MBU staff we spoke to emphasised the importance of a positive transition for babies when they leave an MBU and the need for effective separation plans.

*I'd be in a hole with depression if I had to give up my baby.*  
(Mother in an MBU)

### **Birth Companions**

Birth Companions offers practical and emotional support to pregnant women and mothers who have recently been separated from their babies, in HMPs Peterborough and Bronzefield. Women are provided information about pregnancy and birth, as well as help with early parenting issues. Harriet says, "When I first came to prison I was about eight weeks pregnant with my third baby and absolutely petrified. Birth Companions was fantastic. They helped us with coping strategies for difficult situations most of us were facing in prison and tried their best to liaise with staff to make being pregnant in prison more bearable." See [www.birthcompanions.org.uk](http://www.birthcompanions.org.uk) for more information.

### **A punitive recall system**

The number of women recalled to prison in England and Wales has risen dramatically since the commencement of the Offender Rehabilitation Act 2014.<sup>87</sup> The women we spoke to who were in prison in England felt strongly that the recall system is too punitive, that it results in further disruption for children and is retraumatising.

### **Experiences of recall**

Sam was told she was receiving a warning but was then recalled to prison for four weeks, meaning she had to leave her 18-year-old daughter with her partner. Her daughter is devastated, angry with the system, and doesn't understand why she has to be separated from her mum.

Amanda was penalised because she was 10 minutes late for a probation appointment; she felt that the distance she lived from the probation office had not been taken into account. Her two children (7 and 9) were distressed and confused about why their mum had gone away again when they were just beginning to rebuild their relationship with her.

## The impact of remand and short sentences

Nearly half of women entering custody in England and Wales do so on remand (i.e. not convicted of an offence and therefore presumed innocent), and the majority of them do not go on to receive a custodial sentence.<sup>88</sup> In Scotland, almost two thirds of women enter custody on remand.<sup>89</sup> If convicted, women are likely to receive a short sentence of 6 months or less.<sup>90</sup> 89% of women sent to prison in Scotland in 2015/16 received a sentence of 12 months or less;<sup>91</sup> in England and Wales in 2017, it was 78% of sentenced women.<sup>92</sup> A recent report highlighted the devastating effects on children of separation through short custodial sentences and remand, including insecurity, bedwetting, nightmares, and bullying.<sup>93</sup> Care arrangements were mostly informal and without support, and in some cases older children disrupted their own education in order to look after younger siblings.<sup>94</sup> The families we spoke to for this project reported similar experiences.

There is growing recognition across the UK that short prison sentences can do more harm than good. The Scottish Government has committed to introducing a presumption against custodial sentences of under 12 months. This is a step in the right direction and should see the numbers of women in Scotland receiving prison sentences reduced significantly.

## Practical barriers

- 1 in 5 women in England and Wales is held more than 100 miles away from home,<sup>95</sup> making visiting for children difficult (e.g. due to the restrictions of school hours) and often unaffordable for carers.<sup>96</sup>
- Whilst the Assisted Prison Visits scheme provides financial support for up to two visits per month for families in receipt of benefits who are visiting prisons,<sup>97</sup> families are not routinely made aware of this. Access to this support has been made more difficult for many since the process went on-line.<sup>98</sup>
- The lack of privacy and the visiting rules (e.g. restrictions on physical contact and time limits) constrain children's interaction with their mother during a visit.<sup>99</sup>
- Regular contact between mothers and their children increases the likelihood of positive outcomes for children.<sup>100</sup> Despite this, around 50% of imprisoned mothers do not receive visits from their children during their sentence.<sup>101</sup>
- Women on remand and serving short sentences may be less likely to be considered for enhanced child-centred visits (e.g. Family Day visits).

Women and children we spoke to also reported:

- Family Day visits to prison are beneficial, but demand often far outweighs availability.
- It is confusing for children to understand and manage the difference between family day visits (where mothers and children can interact more freely) and standard visits (during which mothers must remain seated). All visits should be centred on the needs of the child.
- Visits should be allowed at times more suitable for children (e.g. to fit in with schooling).
- 'Virtual visits' using video technology would be a helpful addition to contact, not a substitute.
- Prisons rarely have age-appropriate activities for older children and teenagers.
- The cost of phone calls from prison is prohibitively high, particularly calls to mobile phones. It is hard for a mother to engage fully in a phone call if its cost is a worry.

- Seeing prison officers in uniform can be upsetting for children.
- Searching children should be done sensitively, by trained staff, and as a child protection measure rather than as standard practice.\*
- Women found it easier to disclose child-related concerns to voluntary sector staff in prison, with whom they had developed trusting relationships.

### **Cameron's story**

Cameron (12) is autistic and found visiting his mother in prison really difficult because he can't sit still for long. Conversations with his mum were awkward, and they struggled to connect in a meaningful way. Thanks to a Children in Need-funded partnership between Families Outside and Streetsport, Cameron can now play a range of sports and games with his mother during visits to HMP & YOI Grampian. This initiative has changed the way Cameron views visits and has improved his relationship with his mother. "I'm not bored anymore," he reports, "and I really like visiting mum now!" The programme also includes a monthly peer support group in the community where Cameron can meet other children who have a parent in prison and where his dad can get support from other parents in similar situations.

*You have to fight for family days that are only once a month. It's not enough. The kids should be able to come in whenever they want to see their mum.*

*Do more visits just for children. Get social workers to bring them in.*

*Don't search the kids when they come for a visit... it's not nice."*

*If they could have a rule where you could touch and cuddle the kids in all visits, that would make a difference.*

*On a Family Day, I don't feel like a prisoner. I'm a mum again.*

(Imprisoned mothers)

*It's heart-breaking for us to have to whittle down the list of names for Family Days.*

Family Engagement Worker, POPS

### **Lack of support on release**

Children spoke of their mother's release being much anticipated but, in reality, very difficult. Not only is it hard for mothers to rebuild a relationship with their children after a separation,<sup>102</sup> but there are also practical challenges, such as poverty, lack of housing or employment, which hinder progress. Appropriate housing is recognised as essential in enabling women to raise and care for their children in a safe and suitable environment. Women are more likely than men to lose housing when they go into prison,<sup>103</sup> and many do not have homes to go to on release, making it difficult to regain custody of their children.<sup>104</sup> Many women describe a 'catch-22' situation whereby they need their children in order to apply for suitable housing, but they need suitable accommodation in order to have care of their children.<sup>105</sup>

*My relationship with my mum has never been the same since she got out.*

(Alyssa, 15)

\* Organisations like Pact recognise the discomfort of searches but have argued that these can be important for child protection to prevent children being used to smuggle contraband. Pact recommends that any searches are carried out sensitively by specially trained staff.

*It would have been helpful if someone had been there for me when she first came out.*

(Bethany, 17)

Mothers we spoke to who had been recently released from prison in England were frustrated that approved premises for women are not deemed safe places for supervised contact with children. This is a regulation which has been adopted from men's premises. With appropriate safeguarding measures, women's approved premises could be suitable for supervised contact between children and their mothers which would facilitate the rebuilding of relationships.

*Women need much more support on release; that's when they are really vulnerable.*

Action for Children staff member

Lord Farmer's recent report<sup>106</sup> on the importance of family ties in helping reduce reoffending among men in prison contains recommendations which will mitigate many of the barriers to support highlighted here. The findings of this report provide a compelling case for government to review these recommendations for women in prison as well as men.

### **Recommendations to mitigate barriers to support**

- **Government** should:
  - ▶ Ensure that legislation and policy recognise and mitigate impacts on children of a primary carer's contact with the criminal justice system.
  - ▶ End the post-custody mandatory supervision for people on short sentences introduced by the Offender Rehabilitation Act 2014 which has dramatically increased the number of women being recalled to prison in England and Wales.
  - ▶ Ensure that contractual arrangements for the support and supervision of offenders address the needs and circumstances of mothers, in accordance with s.10 Offender Rehabilitation Act 2014.
  - ▶ Review the recommendations of the Farmer Review to include the women's prison population and children affected by a mother's imprisonment.
- **Probation (England & Wales, and Northern Ireland) and Criminal Justice Social Work (Scotland)** should:
  - ▶ Ask about the existence of children and other dependents and what support is in place for them.
  - ▶ Be aware of, and address, women's fears and other barriers to disclosure regarding whether they have children.
- **Child and Family social workers** should:
  - ▶ Take children's own views into consideration when making decisions around safeguarding and provide opportunities for decisions about contact to be reviewed.
  - ▶ Meet with a child's imprisoned mother when considering contact arrangements.
  - ▶ Ensure that the same contact conditions are adhered to when a mother is in prison as were in place in the community, unless this is against the best interest of the child.
  - ▶ Ensure that mothers in prison receive all relevant paperwork and a timely invitation to supervision and care proceedings concerning their children.

- **Prison services HMPPS, SPS, and NIPS** should:
  - ▶ Ensure that the rights and wellbeing of children are considered in decisions about release on temporary licence for child resettlement (England & Wales); temporary release and extended home leave (Scotland); and temporary release and home leave schemes (Northern Ireland). The policies and prison instructions should be clear about the benefits of, and entitlement to apply for, this leave.
  
- **Prison governors** should:
  - ▶ Mitigate as many practical barriers as possible to children having contact with their imprisoned mother, e.g. affordable outgoing calls from prison and the option of mothers receive incoming calls directly from their children; and the use of video links.
  - ▶ Ensure that search procedures are carried out in a manner which causes minimum distress to children.
  - ▶ Ensure that visits are recognised as the right of the child, as is the case in Scottish prisons, rather than as a privilege for their mother’s good behaviour or the length or status of her sentence.
  - ▶ Expand the availability of child-centred visits (or family days) and ensure that these are at times that are suitable for children and young people.
  - ▶ Ensure that video links are available to supplement face to face visits, particularly where children are separated from their mothers by considerable distances.
  - ▶ Encourage and facilitate access to ROTL and child resettlement (England & Wales); temporary release and extended home leave (Scotland); and temporary release and home leave schemes (Northern Ireland).
  - ▶ Ensure that women are informed about mother and baby units at the earliest opportunity and that applications are considered expeditiously.
  - ▶ Facilitate the provision of family law clinics, such as those being run by Prisoners’ Advice Service and Rights of Women in some women’s prisons.
  - ▶ Provide parenting support as a core element of support available to women in prison.
  
- **National Probation Service and Community Rehabilitation Companies (England & Wales), Throughcare Support Officers and Criminal Justice Social Workers (Scotland), and Probation Board Northern Ireland** should:
  - ▶ Consider the needs of the child in supporting a mother prior to, and on, release.
  - ▶ Liaise with agencies supporting the children when a mother is approaching release, including organisations that can help with housing.

## Resilience

With the right support, children can develop the resilience they need to thrive, and many of the children who participated in the “What about me?” project displayed a remarkable capacity to cope with extremely difficult situations related to their mothers’ imprisonment.

*Whenever you think something’s impossible, you just need to remember to put an apostrophe between the ‘i’ and the ‘m’ so it becomes, ‘I’m possible!’*

(Bethany, 17)

## A child-centred approach

A major pan-European study (COPING) found that children affected by imprisonment have greater resilience when information is shared with them in an age-appropriate way, and they understand what has happened. Interestingly, the study found no significant differences between the resilience and well-being of children of imprisoned mothers and those of imprisoned fathers.<sup>107</sup> The children we consulted said that being listened to is very important. They want someone to ask how they are feeling (sensitively and not in front of other people) and to keep asking and checking at different points. It is worth noting that all of the children who took part in our consultation were receiving support of some kind.

*Talking about it helps.*

(Charlie, 14)

Practitioners at our roundtable highlighted the need for children to have contact with their mothers at the earliest opportunity following imprisonment. Although initial visits are often hard for children, knowing that their mother is safe can help. It is common for children to want to know basic information such as what their mother's room looks like. Information leaflets about life in prison and photos of some of the facilities can alleviate anxiety.

### Brooke's story

Visiting Mum, a partnership between Pact and Sova for families from Wales with mothers in HMP Eastwood Park, offered intensive pre- and post-visit support for children and their mothers. The service alleviated transport issues for families (many of who were living a considerable distance from the prison) and provided emotional support to children and their carers as well as to mothers themselves. Brooke (10) had not seen her mother for almost a year due to conflicts between her maternal and paternal grandparents. The Visiting Mum team liaised with Brooke and her mother, and both sets of grandparents, to establish what would be best for Brooke. The support was intensive and took many months to build trust, beginning with phone calls between Brooke and her mother and eventually culminating in regular Visiting Mum visits, which were private, informal, and centred around age-appropriate activities. For Brooke, the Visiting Mum initiative was life-changing, allowing her to receive integrated support from her mum, school, and the project team. An evaluation of the project showed that such partnership approaches can alleviate confusion, fear, and intimidation for children and can improve relationships between imprisoned mothers and their children.<sup>108</sup> Unfortunately, due to a lack of funding, the Visiting Mum project ceased in October 2017. For children like Brooke, this is devastating, and there is an urgent need to ensure financial sustainability in such projects.

In a recent study, children reported that they would like one-on-one time with their mother on prison visits and appreciate facilities that allow extended visits, including overnight provision.<sup>109</sup> The Scottish Prison Service is currently reviewing legislation to enable older children, rather than just babies, to have overnight stays with their mothers. All of the children in our focus group said that they would prefer private visits with just their own family group in a room.

*My 12-year-old son will not come back and visit me. He is scared; he witnessed someone getting swooped on by prison officers [in the visit room] and one of the officers [accidentally] knocked into him.*



*I am very close to my mum so I told her how I was feeling, and we chatted about changes and emotions. I think talking is so important and allowed me to think about how I was feeling and why I was feeling that way.*

(Gabi, 18)

### **Peer support and mentoring**

Peer support groups were highlighted by the children and young people we consulted as particularly helpful; meeting others who have similar experiences can reduce isolation and increase resilience.<sup>110</sup> The children in our focus group are part of a regular Person Shaped Support (PSS) peer support group for children affected by parental imprisonment<sup>111</sup> and said that knowing other young people who understand the issues has helped them cope.

*I like being able to play and talk with other children who have a parent in prison.*

(Ava, 6)

*I love meeting other children and being able to talk about my secret.*

(Noah, 12)

*Knowing I'm not alone makes a massive difference.*

(Brooke, 10)

While some children said that speaking to their mother about her imprisonment was helpful, many children affected by imprisonment find it helpful to speak to someone who is not a family member.<sup>112</sup> All of the mothers we spoke to highlighted the importance of voluntary sector organisations in building relationships of trust with families.

*It took years, until I met my friend who also has a parent in prison, before I was able to speak about it.*

(Abi, 19)

A quality mentoring relationship can have positive long-term effects, including reductions in school non-attendance, truancy, and depressive symptoms.<sup>113</sup> Children Heard and Seen matches children with a parent in prison to volunteer mentors who support them to fulfil their potential. Mentoring relationships involve weekly contact in the child's home or local community, lasting between 12 and 18 months, and are focused on the unique needs of each child.<sup>114</sup>

#### **Ari's story**

When Ari's mother went to prison, she was told her mum was working in a special factory, but as she learned to read, she realised where her mum was. Ari thought she was the only child to experience this, and she became increasingly withdrawn and isolated at school. This all changed when Ari joined a Person Shaped Support (PSS) peer support group for children with a parent in prison. Ari now has friends who understand what she is going through, and she can express her feelings in a safe environment. Although she misses her mum, Ari is much more confident and less anxious.

## The role of schools

The COPING study highlighted the important role teachers can play in supporting children and reducing bullying and stigma.<sup>115</sup> The children we consulted said they wanted only one trusted teacher to know and understand about their mother's imprisonment but feared the whole school finding out. In addition, they did not want teachers to assume that every negative emotion is related to the imprisonment.

*Sometimes I'm just upset, and it's nothing to do with mum. I don't want them [teachers] thinking it's always about my mum.*

(Karl, 12)

Schools have a crucial role to play in supporting children affected by imprisonment and can provide a range of measures to increase children's ability to cope, including supporting contact between children and their imprisoned mothers.<sup>116</sup>

### Molly and Erin's story

Molly (6) and Erin (8) live with their grandmother because their mother is in prison. Their head teacher is in regular contact with their mother's prison-based POPS family engagement worker and passes on information to her about the girls' progress in school. Recently, the girls' grandmother felt that additional contact with their mother would help them but was not able to organise extra visits due to the distance to the prison. The POPS family engagement worker and the head teacher arranged weekly telephone calls during the school day between mum and each of her daughters. Molly and Erin are supported after their phone contact by their respective teachers and find this extra contact with their mum really helpful. They are more settled at school and happier at home as a result.

Some children may need more specialist support, such as trauma therapy or counselling. Several young people we consulted said that they had initially refused counselling support and would have liked to have revisited their decision but lacked the confidence to raise this with their teacher or social worker. Mothers said that they were frustrated by long waiting lists for children's counselling and felt that children affected by maternal imprisonment should be prioritised.

*I wish my social worker hadn't just said, "That's fine" when I said I didn't like the counsellor. If I was a social worker in the same position as my social worker, and the person I was supporting didn't like the counsellor, I would have encouraged them to try again or looked at getting them someone else.*

(Jasmine, 18)

### KIN

KIN is an arts collective of young people (aged 14 to 25) who have all had experience of having a parent or sibling in prison. Facilitated by Scottish arts organisation Vox Liminis, KIN's aim is to 'turn stigma into solidarity' through creative projects. KIN has developed a distinct artistic voice in Scotland and offers a unique space to young people affected by imprisonment. See [www.voxliminis.co.uk/projects/kin/](http://www.voxliminis.co.uk/projects/kin/) for more details.

## **Diverting women from custody**

Women's centres can ensure that women at risk of offending receive help at the earliest opportunity. Many of the children we consulted felt that earlier support for their mother would have reduced the risk of a prison sentence. Women's centres offer a range of interventions, including access to safe housing, mental health and addiction services, domestic abuse counselling, debt advice, employment training, and parenting support. The support they provide has been shown to reduce reoffending and transform the lives of many vulnerable women and their children. Problem-solving courts and diversion schemes are also important in keeping women out of custody and reducing the number of children separated from their mothers.<sup>117</sup> The recent Centre for Social Justice report, *A Women-Centred Approach*, calls for a new Criminal Justice Transformation Fund for Women to support the provision of high quality community-based services for women at risk of offending.<sup>118</sup>

### **Valerie's story**

Valerie was brought into police custody following an altercation with her ex-partner with whom she has two young children. While in custody, it became clear that Valerie would be a suitable candidate for the Nelson Trust's Project SHE initiative. SHE (Support, Help, and Engagement) is a point-of-arrest diversion scheme for women in Avon and Somerset. Project SHE offers women an opportunity to agree to a range of support interventions, thereby avoiding a charge, court appearance, and a potential prison sentence. Valerie engaged in emotional support as well as counselling to help her address issues in her life and was able to continue her part-time job as well as look after her children and ill mother. If Valerie's case had gone to court, she feels this would have had a detrimental effect on all aspects of her life, and most of all her children.

## **Working together**

An integrated, coordinated approach is key to ensuring that children receive the support they need in a timely way. As highlighted in a 2016 Prison Reform Trust report, local authorities are uniquely placed to champion women and children. By working through existing multi-agency partnerships, the leadership of local councils can develop innovative solutions to improve the lives of women with multiple needs and their families.<sup>119</sup> A cross-sector approach must be underpinned by funding arrangements that ensure the effectiveness and sustainability of services. A recent report by Clinks confirms that voluntary sector services are under-resourced whilst being asked to increase provision.<sup>120</sup> An evaluation of the Wales Women's Pathfinder, a partnership diversion programme run by Integrated Offender Management Cymru and Include (formally Gibran) found the programme to be very cost effective, but it does require government investment.<sup>121</sup>

### **NICCO**

The National Information Centre on Children of Offenders (NICCO), formerly i-HOP, is an information service for all professionals who come into contact with the children and families of offenders, as well as academics and those responsible for strategic development and commissioning. The Centre is delivered by Barnardo's in partnership with Her Majesty's Prison and Probation Service (HMPPS) and brings together all the resources, services, research, and policy on offenders' children and families. The Services Directory lists all the female prisons in England and details family support provision in each establishment. Resources specifically to support and inform work with children whose parent is in prison can be accessed in the Resource Directory. See [www.nicco.org.uk](http://www.nicco.org.uk) for further information.

## Recommendations to increase children's resilience

- **UK Governments** should:
  - ▶ Invest in women's centres to provide a 'one-stop' place of safety where women can receive emotional support and practical help with childcare and parenting.
  - ▶ Acknowledge the benefits to children of prison visitor centres and invest in funding these effectively.
  - ▶ Recognise the important role of voluntary sector organisations in providing services to children impacted by maternal imprisonment.
- **Police** should:
  - ▶ Adopt a problem-solving approach with a focus on early intervention and diversion, recognising the likelihood of impacts on children if a woman is arrested.
- **Local Authority children's services** should:
  - ▶ Link with local and regional children's and women's organisations to develop and improve local service provision for children affected by maternal imprisonment.
- **Prison services HMPPS, SPS, and NIPS** should:
  - ▶ Support the development of programmes such as HMP Eastwood Park's 'Visiting Mum' programme that alleviate the impact of visiting a prison on children.
- **Prison governors** should:
  - ▶ Offer induction visits whereby children are able to see where their mother is living and ask questions about her daily routine.
  - ▶ Consider overnight facilities to enhance visiting opportunities for children.
  - ▶ Support imprisoned mothers to be involved in their children's daily lives and facilitate this where possible, e.g. through enabling contact with the child's school.
- **Child and Family social workers** should:
  - ▶ Ensure that children are offered the opportunity of visiting their mother in prison as soon as possible.
- **Schools** should:
  - ▶ Support teachers in encouraging imprisoned mothers to be involved in their children's education (e.g. sending copies of school reports, telephone or video links for parents' evenings, etc.).
  - ▶ Support ongoing contact between mothers in prison and their children where appropriate (e.g. sending copies of school work, authorising visits to prison and offering support to children following these visits).
  - ▶ Refer children experiencing severe anxiety or trauma resulting from maternal imprisonment to appropriate support.
- **Organisations already working with children and families affected by imprisonment** should:
  - ▶ Ensure that their support services are effectively advertised within women's prisons and to statutory and voluntary organisations working with children.

## Conclusions

It is over than 10 years since Baroness Corston described the impact of maternal imprisonment on children as “nothing short of catastrophic”,<sup>122</sup> yet little has changed to address this. Whilst Lord Farmer’s recent and welcome report<sup>123</sup> highlighted the importance of family relationships in reducing reoffending, the review did not consider women in prison and the specific impact on children who lose a main care giver to the criminal justice system.

The imprisonment of a mother has a potentially devastating impact on children, regardless of the age of the child and the length of sentence the mother receives. A child’s feelings may vary greatly throughout the mother’s sentence, and they should be given opportunities to revisit decisions; differences within sibling groups should also be recognised. A child-centred approach will ensure that each individual child receives the care and support he or she needs at the time it is needed.

There is compelling evidence provided in this report, and in the academic research that underpins it, that action is needed now to reduce and mitigate the harm caused by maternal imprisonment.<sup>124</sup> As a priority:

- ▶ Women with dependent children should be diverted from custody wherever possible;
- ▶ Child impact assessments should be introduced to ensure that children are listened to, and considered in their own right, at all stages of the criminal justice process;
- ▶ Accurate data on the number of children affected by maternal imprisonment should be sensitively gathered and appropriately shared; and
- ▶ Training to improve awareness and understanding of the impact of maternal imprisonment on children should be delivered to all who engage with women and / or their children throughout the criminal justice process.

The recommendations outlined in this report are intended as a spur to action. If the measures proposed are not put in place, children will continue to be overlooked and unsupported through one of the most challenging life experiences. Too many children affected by maternal imprisonment have been left asking, “What about me?” Now is the time to show their voices have been heard and to end the neglect.

*It was heart-breaking when mum went to prison. I wish I’d had more support.*

(Aliyah, 13)



## The moon, the stars, and the sun

You are not just my child, my genes.

You are my strength my armour my dreams.

Without you, life would be so dark, and I could not find any hope or spark.

Without you this world would just feel so cold.

You made my destiny beautiful, it's not just to grow old.

I cherish every second you grace this world.

You are my idols, I am so proud.

Your eyes made from diamonds, your smile the stars.

Life can never separate us no distance is too far.

One day I will be free, to be the mummy I always wanted to be.

I know you already know, I know you do.

All that has ever come easy to me, is not living but being a mummy.

I'm lost without you.

So sleep tight and look to the moon tonight, it knows I am always there,

you can still feel the warmth of my care.

So be strong and look after each other.

Because I am your mummy not just another mother.

*This poem was written by a mother in a creative writing group in HMP New Hall*

# Appendix 1: Summary of recommendations

## **UK Governments** should:

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

## **Media organisations** should:

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

## **Children's Commissioners** should:

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

## **Local Authority children's services** should:

- ▶ Include the children of prisoners as a vulnerable group in their strategic planning especially children affected by maternal imprisonment.

- ▶ Recognise that children with a mother in prison may have multiple carers and ensure that their 'looked after' status, whether formal or informal, is acknowledged and supported.
- ▶ Ensure that health, education, and social care providers are aware of the impact on children of having a mother in prison.
- ▶ Ensure that advice for kinship carers of children affected by imprisonment is routinely available.
- ▶ Link with local and regional children's and women's organisations to develop and improve local service provision for children affected by maternal imprisonment.

**Police** should:

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

**Probation** (England & Wales, Northern Ireland) **and Criminal Justice Social Work** (Scotland) should:

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

**Sentencers** should:

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

**Prison services** (HMPPS, SPS, and NIPS) should:

- ▶ Collect accurate data on the children of women in prison, and ensure it is sensitively used to support children affected, in accordance with Rule 7 of the 2015 UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and the UN Bangkok Rules.
- ▶ Ensure that all staff receive training about the specific impacts on children of having a mother in prison and the impacts of separation on the mothers themselves.
- ▶ Take account of the location of imprisonment in relation to the child's place of residence.



- ▶ Ensure that the rights and wellbeing of children are considered in decisions about release on temporary licence for child resettlement (England & Wales); temporary release and extended home leave (Scotland); and temporary release and home leave schemes (Northern Ireland). The policies and prison instructions should be clear about the benefits of, and entitlement to apply for, this leave.
- ▶ Support the development of programmes such as HMP Eastwood Park’s ‘Visiting Mum’ programme that alleviate the impact of visiting a prison on children.

**Prison governors** should:

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

**Child and Family social workers** should:

- ▶ Ensure that children affected by maternal imprisonment receive consistent support throughout a mother’s sentence.
- ▶ Take children’s ages and circumstances into account, without assuming that a child is able to look after themselves because they are legally an adult (18 in England, Wales, and Northern Ireland; 16 in Scotland).
- ▶ Ensure that they liaise effectively with the mother’s criminal justice social worker (Scotland) or probation officer / offender manager (England, Northern Ireland, and Wales).

- ▶ Take children's own views into consideration when making decisions around safeguarding and provide opportunities for decisions about contact to be reviewed.
- ▶ Meet with a child's imprisoned mother when considering contact arrangements.
- ▶ Ensure that the same contact conditions are adhered to when a mother is in prison as were in place in the community, unless this is against the best interest of the child.
- ▶ Ensure that mothers in prison receive all relevant paperwork and a timely invitation to supervision and care proceedings concerning their children.
- ▶ Ensure that children are offered the opportunity of visiting their mother in prison as soon as possible.

**Schools** should:

- ▶ Ensure that all staff are aware and trained in how to deal with issues around parental imprisonment, and that children with a mother in prison receive appropriate support.
- ▶ Actively seek to reduce the stigma, shame, and bullying commonly experienced by children with a mother in prison, e.g. by raising awareness through the curriculum or assemblies, having school 'champions' who are trained in how to support children affected, etc.
- ▶ Support teachers in encouraging imprisoned mothers to be involved in their children's education (e.g. sending copies of school reports, telephone or video links for parents' evenings, etc.).
- ▶ Support ongoing contact between mothers in prison and their children where appropriate (e.g. sending copies of school work, authorising visits to prison and offering support to children following these visits).
- ▶ Refer children experiencing severe anxiety or trauma resulting from maternal imprisonment to appropriate support.

**Organisations working with children and families affected by imprisonment** should:

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

**Other organisations working with children** should:

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

**Criminal Justice inspectorates and regulators** should:

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

**National Probation Service and Community Rehabilitation Companies** (England & Wales), **Throughcare Support Officers and Criminal Justice Social Workers** (Scotland), and **Probation Board Northern Ireland** should:

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

## Appendix 2: Useful organisations

<b>Children Heard and Seen</b>	<a href="http://www.childrenheardandseen.co.uk">www.childrenheardandseen.co.uk</a>
<b>Families Outside</b>	<a href="http://www.familiesoutside.org.uk">www.familiesoutside.org.uk</a>
<b>Nepacs</b>	<a href="http://www.nepacs.co.uk">www.nepacs.co.uk</a>
<b>NIACRO</b>	<a href="http://www.niacro.co.uk">www.niacro.co.uk</a>
<b>Pact</b>	<a href="http://www.prisonadvice.org.uk">www.prisonadvice.org.uk</a>
<b>POPS</b>	<a href="http://www.partnersofprisoners.co.uk">www.partnersofprisoners.co.uk</a>

### **Prison Visitor Centre providers for women's prisons (as of May 2018):**

#### England

**Action for Children** (HMP & YOI New Hall)

**Pact** (visitor centre provider for HMPs Downview and Send; runs family services in HMP Eastwood Park and in HMP & YOIs Askham Grange and East Sutton Park; provides information to families at HMP Drake Hall)

**HMPPS** (HMP Foston Hall)

**Nepacs** (HMP Low Newton)

**Phoenix Futures** (HMP & YOI Styal)

**Sodexo Justice Services** (HMP & YOI Bronzefield and HMP Peterborough)

#### Northern Ireland

**People Plus** (Hydebank Wood College and Women's Prison)

#### Scotland

**Action for Children** (HMP Grampian)

**Barnardo's Scotland** (HMP Edinburgh)

**Crossreach** (HMP & YOI Polmont)

**Stirling Interfaith** (HMP & YOI Cornton Vale)

### **Other useful organisations:**

<b>Birth Companions</b>	<a href="http://www.birthcompanions.org.uk/">www.birthcompanions.org.uk/</a>
<b>Childline</b>	<a href="http://www.childline.org.uk">www.childline.org.uk</a>
<b>Children 1st</b>	<a href="http://www.children1st.org.uk">www.children1st.org.uk</a>
<b>Family Lives</b>	<a href="http://www.familylives.org.uk">www.familylives.org.uk</a>
<b>Family Rights Group</b>	<a href="http://www.frg.org.uk/">www.frg.org.uk/</a>
<b>Grandparents Plus</b>	<a href="http://www.grandparentsplus.org.uk">www.grandparentsplus.org.uk</a>
<b>National Information Centre on Children of Offenders</b>	<a href="http://www.nicco.org.uk">www.nicco.org.uk</a>
<b>NSPCC</b>	<a href="http://www.nspcc.org.uk">www.nspcc.org.uk</a>
<b>Ormiston Families</b>	<a href="http://www.ormistonfamilies.org.uk">www.ormistonfamilies.org.uk</a>
<b>Prisoners Advice Service</b>	<a href="http://www.prisonersadvice.org.uk">www.prisonersadvice.org.uk</a>
<b>Rights of Women</b>	<a href="http://rightsowomen.org.uk/">http://rightsowomen.org.uk/</a>
<b>Women in Prison</b>	<a href="http://www.womeninprison.org.uk">www.womeninprison.org.uk</a>



credit: Children of Prisoners Europe

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The imprisonment of a household member is one of ten adverse childhood experiences known to have a significant negative impact on children’s long-term health and wellbeing, their school attainment, and later life experiences. Where a child’s mother is sent to prison they can experience not only disruption to every aspect of their lives, but also enduring grief, shame and stigma. Yet research, policy and practice rarely consider the consequences for children of a mother’s imprisonment.

This report gives voice and visibility to the children affected. It sets out the findings of the Transforming Lives “What about me?” project and makes recommendations to ensure that the best interests of children are considered at all stages of the criminal justice system if their primary carer, usually their mother, is in trouble with the law. Most of the recommendations can be applied to improve outcomes for children whose father is in prison.