

Separation, loss and powerlessness

Mothers in prison in England & Wales

England and Wales has the highest incarceration rate in Europe (145 per 100,000) and approximately 11,000 women receive a custodial sentence each year. Sixty-six per cent of women in prison are mothers of children under 18, with almost one third under the age of 5, and 8% younger than 18 months (Caddle & Crisp, 1997). Most women are separated from their children whilst in prison, and this has a negative impact on mental health, future re-offending, and has significant social costs, particularly as the majority are single parents. Women are often held far from home, further exacerbating the negative impacts of separation.

There are 6 mother and baby units (MBUs) in England, the maximum age limit is 18 months, and there are places for 65 women and 69 children (born prior to or during their mother's imprisonment). They offer a supportive environment and help reduce recidivism (Dolan et al., 2013; Goshin et al., 2013), but are limited by the prison regime, 18 month age limit and funding. They are never full.

MBU admissions

Women need to complete an application form for MBU admission, and once all relevant reports are submitted (which can take weeks or months), they must go before an admissions board. The board makes a recommendation to the prison governor who makes the final decision. There are specific admission criteria that must be met, some of which are subjective, as they are related to the mother's 'behaviour' and perceived ability to care for her child (see: PSI 49/2014 – PI 63/2014 p.8).

Women often receive little information about the MBU application and admissions process, and have little idea about what it entails. There can be as many as 10 professionals on the board and these include the assigned social worker, MBU manager, offender manager, and independent chair. The process is stressful and intimidating, and women face this alone with little or no support. They have no control over what happens to them, or their children.

"I had 37 hours with him. But sometimes it feels like I'm not his mum, because he got took straight off me, but that's how it's feeling."

Children's Services & MBU admission process

"A Children's Services report is required in all circumstances and any decision regarding admission should not be made until one is received....." (PSI 49/2014 – PI 63/2014 p. 7)

Without a Children's Services report, a woman cannot be admitted to a MBU with her child, even if there are no concerns. Delays in the report lead to delays in admission. If Children's Services do not support MBU placement, it is unlikely a woman will be given a place, even if all other parties involved in the decision support a placement.

Deciding Factor

The biggest predictor of whether or not women are admitted to MBUs is prior Children's Services involvement (Dolan et al., 2018). This is a major factor in the decision making process, and in this case refers to involvement as a parent. However, previous involvement as a child is considered (31% of women in prison were taken into care as children) Ministry of Justice, 2014). Those with a personality disorder, anxiety or depression are also less likely to be offered a place (Dolan et al., 2018). This is despite the increased risk of mental disorder in the perinatal period and for those in prison (Gregoire et al., 2010).

Because women in prison will not be given an MBU place without the support of Children's Services, the threshold for removal in the community does not need to be met, and a child can be removed without a court order or the need for police intervention, if an MBU place is not offered. This is a clear inequality in terms of the application of the threshold for removal, and in practice Children's Services can refuse to support MBU placement, and then remove the child because the mother has nowhere to take the child. Vulnerable women with no support are sometimes pressured to sign a Section 20 for voluntary care orders by social workers. Women often do not have appropriate legal representation.

"And he started crying, then I walked up. I carried him up a little bit, up the path, then I passed him over and I just cried my eyes out...."

"...she (social worker) wasn't there. They had asked for her, what she thought, and she said she wasn't supporting a place at the mother and baby unit so they took all that into consideration. The fact that she wasn't supporting it, this officer said to me 'the social worker is not supporting it, you might as well forget it'....."

"They said to me, Children's Services think we shouldn't give you a chance, that's when I put my head in my jumper and they said do you still want us to carry on I said yeah carry on, but you're not seeing my face and they started going round, saying no, no, no. I was thinking shut up because I know the answer is no and that was it then."

".... they wanted me to sign a section 20, which is me voluntary for removal, and I was in contact with my sister, and she said 'no way, if they want you to sign something tell them they have to go to court'"



Conclusion

In the community, if there are concerns about risk to a child, the parent(s) or caregiver(s) may be assessed by Children's Services; they may need support and ongoing assessment or residential care. In the case of women in prison, if there are concerns, despite the residential nature of prison MBUs, supportive environment and presence of 24-hour staff, women can be refused a place and their child will be removed at birth.

Fighting child custody case from prison is difficult and overwhelming, and women in prison have limited resources. This can be made more difficult by the poor mental health many will experience at this time and in these circumstances. The temporary or often permanent removal of their children will further exacerbate mental health problems and make custody of and contact with any current and future children difficult.