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Professor Sir Albert Aynsley-Green
Children's Commissioner for England
11 MILLION
1 London Bridge
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Our ref: 2008/AD/00007
Your ref: 200703381

Dear Al,

Mother and Baby Units in Prisons

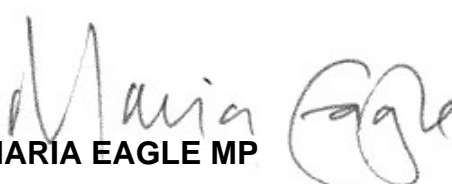
You wrote to the Justice Secretary on 31 January 2008 enclosing a copy of the 11 MILLION discussion paper "*Prison Mother and Baby Units – do they meet the best interests of the child?*" I am replying as the Ministerial Champion for women and criminal justice matters.

In focusing on women prisoners who give birth during their sentence or who have their babies with them in prison, and in examining how we can improve the life chances of this vulnerable group of babies, your discussion paper provides a welcome and timely complement to Baroness Corston's review.

We have carefully considered all the recommendations in your discussion paper and our response is attached. It outlines the very significant measures we are now taking, or have already taken, to better meet the needs of women prisoners and their babies, while acknowledging that there is still more to be done. You will have noted that our response comes close on the heels of my written ministerial statement of 26 June on progress on the Government's Response to the Corston review, and you will no doubt wish to look at this response in conjunction with that statement.

I am arranging for this letter and its attachment to be published on the Ministry of Justice website.

Best Wishes,


MARIA EAGLE MP



Ministry of
JUSTICE

Secretary of State's Response to the Recommendations in
the 11 MILLION Discussion Paper "Prison Mother and
Baby Units – do they meet the best interests of the child?"

June 2008

RECOMMENDATIONS AND RESPONSES

1. Women who are pregnant or who have young children should only be imprisoned as a last resort when there are no suitable alternatives to custody.

Deciding what sentences are appropriate for women offenders is rightly entirely a matter for the courts but the Government agrees that more must be done to ensure that custody is only used for those women who really need to be there.

The Government is keen to encourage greater use of community alternatives for women wherever possible. We are committed to looking specifically at how to tackle women's offending and addressing the adverse impact of imprisonment on women and their families, particularly their children. The consequence of a mother's imprisonment for the children makes it all the more important that women offenders are dealt with as far as possible with community sentences. Options will be developed over the coming months to create a deliverable plan of action to achieve this.

Where women are sent to prison every effort is made to promote and maintain family contact. Examples of initiatives include development of and improvements to visitors' centres; creation of family liaison officer posts; training for local staff who come into contact with families to offer local support; community support services; enhanced children's visits programmes; support for alternative contact for children who do not visit; family awareness programmes; parenting from prison courses; post-release support; information to families and the commission of research.

2. The Government should fulfil the commitments set out in its response to the recommendations of the Corston Report, including taking forward the findings of the project which considers the future of the women's custodial estate. They should invest in the proposed pilot unit to see whether this might be more appropriate for women prisoners with babies, who have not committed serious crimes.

The work set out in the Government's Response is the start of a long-term and sustainable strategy to deliver a more sophisticated, intelligent, visibly led and better co-ordinated approach to address the issues for women that *Corston* identified in her report. Prison will continue to be the right option for women who commit serious offences or present a risk to others but the Government is aware that more must be done to ensure that provision in the women's custodial estate is appropriate to meet the needs of women. For those women who do need to be in custody, the Government aims to ensure that prison regimes provide a decent and safe environment which responds appropriately to women's needs.

A short project was set up to consider Baroness Corston's recommendation advocating small custodial units for 20 to 30 women. The Government accepts the principles Baroness Corston developed, but the findings of the project identified significant issues that suggest standalone units of that size are neither feasible nor desirable. In addition, it would not be possible to deliver the range of services required to meet the full range of women's specific needs. The design of a new 77 place wing at HMP Bronzefield

(due for completion in 2009) will provide an opportunity to implement, test and embed a new approach to the physical environment and delivery of regimes that could test out these principles.

3. The need for a separate probation report to assess the impact of a custodial remand on children, which the Government has not accepted in full, should be revisited once the further work set in train has been completed.

Existing practice already facilitates the provision of such information to the courts. Probation staff routinely respond to requests for bail information from courts. This will include the impact of a custodial remand on children. Once convicted, the processes for preparing probation pre-sentence reports include prompts to assess the impact of custody and the impact of sentencing on dependants.

4. Further research is conducted into the different models of provision overseas to identify best practice for mothers with babies.

A research project, *'International Profile of Women's Prisons'*, commissioned by the Ministry of Justice and the Department of Health, was completed in May 2008 by King's College International Centre for Prison Studies. Phase One looked at 18 countries and collected data on women's prison populations in relation to the general prison population, and the number and nature of women's prisons. Phase Two examined eight countries in more detail and looked to establish how far these countries were providing a prison service based on the needs of women, taking into account the fact that in most countries women make up a small minority of the total prison population. The recently published report highlights the various approaches to holding mothers and their children in prison. There are very different age limits at which children can stay with their mothers and the nature of the environment is also different, some countries providing normalised environments.

Once Women & Young People's Group have had the opportunity to study the report in detail, they will consider the issues raised by this international comparison and whether it might be complemented by commissioning further research into mothers and babies in prison.

5. In line with guidance issued in relation to *Every Child Matters*, decisions on whether or not to admit a child into a MBU should always be based on a comprehensive and timely assessment of the best interests of the individual child.

This is already being done. Existing policy is set out in Prison Service Order (PSO) 4801 on the *Management of Mother and Baby Units*. This establishes that the entire ethos of Mother and Baby Units (MBUs) is child-centred. In particular, the PSO lists the admission criteria, the first of which is that it is in the best interests of the child/children to be placed in a MBU. It also stresses, for the benefit of Admission Boards, the uniqueness of each case and the need to assess them on an individual basis. The assessments must be comprehensive and accurate, and must be done as soon as the dossier is completed, or earlier, if the admittance is an emergency. Once admitted, a review of the child's progress takes place at least every eight weeks where the focus is on the child's development and best interests.

6. The Government commission research into:

a) the implications of emerging evidence on the importance of attachment for the infant's development to inform future policy on Mother and Baby Units;

Women and Young People's Group have recognised the importance of attachment for an infant's development, and are funding The Anna Freud Centre to run its "New Beginnings" programme in MBUs in women's prisons. This is a course for mothers with their infants and is based on the principles of 'attachment theory'. It is being run as a three year pilot in three MBU sites, and currently is being evaluated. The results are expected in spring 2009. Training seminars on the importance of attachment are also being held for MBU staff in establishments where the programmes are running.

and (b) the effects of custodial environments on children and on the impacts of separation from mothers at particular intervals to see what is best practice for MBUs. The greater use of community-based facilities to widen the stimuli to which the child is exposed should be considered.

This is a very difficult area to evaluate given the very small number of women and children involved and the difficulties engaging women post release. Women and Young People's Group are nonetheless currently considering proposals for a follow up study of mothers on MBUs after discharge from prison.

7. The impact of separation should be a determining factor when conducting the initial assessment to see whether placement in a Mother and Baby Unit is likely to be in the child's best interests.

This is already being done. When a mother is serving a long sentence where it is apparent that separation is inevitable, then that is discussed with the mother at the Admission Board and the options considered with her at the outset. These discussions are recorded in the Admission Board minutes and inform the consideration and outcome of the case.

8. The course run by the Anna Freud Centre is used widely across the Mother and Baby estate and consideration given to adapting it for use at Rainsbrook Secure Training Centre

The Anna Freud Centre's New Beginnings programme is currently being run at three women's prisons (Bronzefield, Holloway and Eastwood Park). The courses, which are due to end next February, will be evaluated by the end of 2009. Decisions on the extension of the programme to other prisons will need to await the outcome of the evaluation.

The results of the evaluation will be communicated to the Youth Justice Board who, as the commissioning body for the secure estate for young people, will have to decide if the programme is appropriate for adaptation within Rainsbrook Secure Training Centre.

9. The Government should specifically address what is in the best interests of babies of foreign national prisoners with long sentences and whether they could be accommodated in Mother and Baby Units in open prisons where appropriate. As with children born in this country, the overriding consideration must be the best interests of the child.

The overriding purpose of security classification for all prisoners is to ensure that they are retained in custody with a level of security which is consistent with the need to prevent escape and to protect the public.

For foreign national prisoners who meet the criteria for deportation, Prison Service Order 4630 *Immigration and Foreign Nationals in Prisons* makes the position clear. While each security classification decision must be considered on its merits, the need to protect the public and ensure the intention to deport is not frustrated is paramount. Therefore, open conditions will only be appropriate where it is clear that the risks in such a transfer do not interfere with deportation.

Foreign national women who are not deemed suitable for one of the two open prisons will still be able to apply to MBUs in closed prisons.

10. The following initiatives currently under development should include specific consideration of women in custody who are pregnant or have babies to address the needs and best interests of their babies and to see whether their rights are being met:

a) the 'Together Women Programme' which is testing out a multi-agency one-stop-shop approach in the community as an alternative to custody;

To help support a community based response to women's offending, £9.15 million funding was allocated in March 2005 to establish new initiatives to tackle women's offending in the community – the **Together Women Programme (TWP)**. The Programme is developing an integrated approach to routing women to appropriate services to meet their needs at various stages of their offending history, from prevention and diversion from custody, to resettlement on release.

The Programme is being delivered via demonstration projects within two Regional Offender Manager regions – Yorkshire & Humberside and the North West. The projects draw together the various services in the community that provide interventions for issues such as mental health, drug misuse, physical and sexual abuse, family support, housing and ETE and ensure that they are appropriate and co-ordinated to meet the profiled needs of women in the area. Effective liaison between all the agencies and organisations involved is key, especially the links made between the criminal justice side (the police, CPS, courts, probation, prisons) and those agencies and voluntary organisations providing the community interventions and services for women (healthcare, drug treatment, counselling, childcare, housing advice etc).

We will be using the lessons learnt from these projects to see how similar approaches for women offenders, and those at risk of offending, might be developed in other areas.

b) the National Offender Management Service National Service Framework for Women which will set out policy for commissioning services for women;

The National Service Framework for Women published on 30 May 2008 aims to improve the services we deliver to women offenders. It does so by setting out the Government's strategic aims and objectives for how we propose to meet the needs of women offenders in the short, medium, and long term. It goes on to set out high-level service expectations for the delivery of statutory services, and through the reducing re-offending pathways. The section on the 'Children and Families' pathway gives specific consideration to the needs of the babies of women who are in custody or leaving custody.

c) the implementation of Gender Specific Standards for women in prison.

The Gender Specific Standards in Prison Service Order (PSO) 4800 '*Women Prisoners*' were published in April 2008. This document includes advice on how prison establishments should meet the mandatory and auditable standards for the management of women prisoners and includes a dedicated section on children and families covering, for example, children's visits, parenting and relationships programmes and links with community support services. Governors and Directors are required to produce a plan by 1 October 2008 outlining how they will implement the PSO fully by 1 April 2009.

11. The admission criteria for Mother and Baby Units are revisited with a view to considering whether more women, including those with sentences longer than 18 months, could, where appropriate, be admitted with their babies when (but not before) alternative community-based facilities are available, including at the pilot stage.

The response to Recommendation 10 details what is being done, particularly through the *Together Women Programme*, to support a community based approach to tackling women's offending.

12. Alternatives to custody should be found wherever possible for all young women under the age of 18 who have committed an offence and are either pregnant or mothers of babies or very young children. However, where there is no alternative to secure accommodation, the appropriateness of a place at Rainsbrook Secure Training Centre should be considered for every young woman who is either pregnant or has a young baby.

We are keen to encourage the greater use of community alternatives, where possible, for female offenders of all ages – and particularly those under the age of 18.

The young women's unit at Rainsbrook Secure Training Centre, which opened in 2006, includes the first mother and baby unit for under-18s in the country. The three-bed unit can take both pregnant young women and mothers and babies. Young mothers are

able to leave their babies in childcare during the day, so that they can continue with their education at the on-site educational facility.

All under 18 year old women offenders committed to custody who are pregnant or have babies will be considered for a place on the MBU at Rainsbrook Secure Training Centre.

13. A concerted effort should be made by both the National Offender Management Service and the YJB to make information on MBUs more widely available to women, including those under 18, about the options for keeping their babies with them whilst serving their sentences.

The provision of information about MBUs is an auditable standard within Prison Service Order 4801. Every prison has a designated MBU liaison officer and deputy whose job it is to make sure women are aware of the availability of mother and baby places. All liaison officers and their deputies within women prisons are able to attend an accredited course about their role. The Mother and Baby handbook updated in 2007 is readily available at all women's prisons and at the Secure Training Centre at Rainsbrook. The Youth Justice Board also require that young women within their care are informed about MBU provision at Rainsbrook.

14. The eligibility criteria for admission to MBUs are restated clearly with a view to achieving greater clarity and moving towards more equitable provision between units throughout England and Wales, though recognising the need for flexibility in applying the criteria. Though there are no units in Wales, it is important that consideration is given to the need for Welsh mothers to be admitted to units as close to Wales as possible.

We believe that the admission criteria set out in Prison Service Order 4801 are sufficiently clear. They have been tested repeatedly at judicial review.

Age limits aside, the same national standards and admission criteria apply to all the prison MBUs. Every applicant to the MBU is individually assessed and the need of the child is paramount.

The geographical spread of the MBUs is dependent on the location of the women's prisons. The Government acknowledges that female offenders from Wales are held in prisons in England, away from their home areas – often in Eastwood Park in Gloucestershire or Styal in Cheshire. On being sentenced, they are allocated to an establishment that best meets their needs, taking account of length of sentence, closeness to home and family contact, the availability of appropriate interventions and programmes and all other relevant factors. The maintenance of supportive family ties is recognised as crucial to each woman's resettlement and to the aim of reducing re-offending. Distance from home is therefore an important factor taken into account in all allocation decisions. A good deal of work is underway in establishments to promote family contact and overcome the disadvantages that distance from home might otherwise create. However, it is important to recognise too that, even if there were a prison for women in Wales, this might not be as accessible as Styal is for women from north Wales and Eastwood Park is for women from south Wales.

15. It is recommended that research is conducted to compare the mental health of mothers in prison with their babies with the mental health of those who were separated from their babies. This would complement the research recommended at 2.22 above.

Some research has already been conducted by Southampton University which looked at the morbidity and mental health treatment needs among women in prison MBUs. The project is ongoing and the results will be considered in due course.

16. The criteria for admission to Mother and Baby Units should be reviewed to assess whether these permit admission to mothers with treatable mental health conditions who would be capable of caring for their babies.

We recognise that some women with mental health conditions will not be suitable to be held in MBUs and others may. Each case is assessed holistically and on an individual basis and the children's need is paramount.

17. Further research should be commissioned on how best to address the needs of pregnant women or mothers with problematic substance misuse who would otherwise be eligible for admission to Mother and Baby Units. In the meantime, the possibility of effective detoxification on the mother's ability to parent her baby should be taken into account in applying the current eligibility criteria.

The eligibility criteria for MBUs have been broadened and allow the admission of mothers on prescribed medication, including the treatment of substance misuse. A woman prisoner on a prescribed Methadone or Buprenorphine (Subutex) withdrawal or maintenance programme is not denied a place on a unit simply because of that medication.

18. Existing MBUs should be protected from reductions in funding due to pressures on prison places so that it is feasible to continue the current policy of admitting any child where it is in his or her best interest.

The MBUs are providing a valuable service and there are no plans to reduce the number of places, but we cannot predict future spending priorities or give any guarantee that the current level of MBU provision will continue indefinitely. We can, however, say that with the new National Service Framework and the gender-specific standards, we do now at least have a much firmer base from which to safeguard services for women offenders.

19. It is recommended that work to embed the Think Family approach is applied specifically to mothers admitted to Mother and Baby Units with a view to improving outcomes for the children concerned and reducing re-offending.

Last year, the Department of Children, Schools and Families and the Ministry of Justice conducted a priority joint review to improve support for the children of offenders. It concluded that parental imprisonment is a valuable opportunity to identify children at risk of poor outcomes and to offer them support. The findings were published in parallel with the *Think Family: Improving the life chances of families at risk* review, on 10 January 2008.

As part of the *Think Family* approach, which includes the £16m Family Pathfinder programme, the Department for Children, Schools and Families and the Ministry of Justice are exploring better ways to meet a child's needs when a parent goes to prison.

The 'Think Family' approach encourages local services to adopt certain basic principles: easy access for services, working with the whole family taking into account circumstances and responsibilities, offering tailored and family-centred packages of support and practitioners work in partnerships with families recognising and promoting resilience (helping them to build their capabilities). The National Offender Management Service endorses this approach and will encourage its adoption wherever practicable. We will be building on the good links that already exist between the MBUs and children's services in the community, particularly in the run-up to the mother's release from custody.