

# Lost spaces: Is the current procedure for women prisoners to gain a place in a prison Mother and Baby Unit fair and accessible?

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## Abstract

The purpose of this study was to examine women prisoners' experiences of the Mother and Baby Unit (MBU) decision-making processes. The research is based on semi-structured interviews with women prisoners and MBU staff in three different women's prisons as well as with ex-prisoners. The study is limited to England and Wales.

## Findings

- Women are not adequately informed of their choices early enough and the MBU decision-making process is unclear and obscure to women prisoners.
- Women who are in the criminal justice system, but pre-incarceration, are not routinely told by lawyers, probation officers or social workers about MBUs. It is also clear that sentencing courts have little insight into what provision there is for mothers in prison.
- For those remanded in custody, the information-sharing process is wholly inadequate, particularly for those who are not pregnant, but who do have young babies in the community.
- If a prisoner makes an MBU application, she is given minimal information about the process. Her contribution is limited to attending an interview at which she is likely to be ill-informed and ill-prepared.
- There is often a long delay between an MBU application being made and the MBU Board being held.
- There is a lack of awareness that a right of appeal exists. The appeals process is inadequate and has no specified time limits or procedures.

## Recommendations

- The Ministry of Justice (MOJ) should require liaison between MBU Managers and those external to the prison service who are working in the criminal justice system so that there is a proper and informed understanding of how MBUs work, what they offer and how they can be accessed.
- The prison reception screening interview should include an additional, specific question about whether a woman has a baby in the community as well as the age of that baby. Every woman (not just every pregnant woman) should be given MBU information.
- The positive aspects of MBUs should be prominently and persistently advertised throughout the women's estate. This should be a nationwide MOJ initiative.
- There should be the equivalent of a service-level agreement in place between MBUs and Local Authority Children and Adult Services, setting out mutual expectations, particularly in relation to report preparation, time frames and attendance at MBU Boards.
- It should be a mandatory action in the relevant Prison Service Instruction (PSI) that the dossier provided to the MBU Board should be disclosed to the prisoner no later than 48 hours before a Board (it is currently just a recommended time frame in the PSI).
- MBU Boards should be held much earlier than they are at present. Boards should be held by week 30 of a woman's pregnancy at the very latest (unless of course a woman is sentenced later into her pregnancy, in which case the Board should be held as soon as possible after admission).
- Prisons should be required to record not only the number of applications, admissions and refusals, but also why an application to an MBU is not progressed, the age and ethnicity of all those accepted or rejected, as well as a brief reason for rejection. This data should be collated nationally and reported annually.
- The appeals process needs to be urgently reconfigured to comply with ordinary principles of fairness and due process, with an emphasis on speedy decision-making.
- The MOJ should commission further research to examine in greater detail some of the issues identified in order to better understand both the barriers to applying for and to gaining an MBU place, and in particular to examine the profile of those rejected and why.