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House of Lords

Joint Committee on
Human Rights

The right to family life: children whose mothers are in prison

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Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

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Publication

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Summary

When a judge is considering sending a primary carer, which is usually a mother, to prison, the child's right to respect for family life should be a central concern. Too frequently this is not the case. As a result, tens of thousands of children each year are being harmed when their mothers are sent to prison, the vast majority for non-violent offences. Georgia, who was 15 when her mother went to prison, spoke for all these children when she told us:

'I know my mum did wrong and deserved a punishment, but [...] we took a bigger punishment'.

The harmful effects of a mother going to prison begin as soon as a mother is sentenced, are felt throughout her sentence and continue for many years after she is released. To address this, we make proposals for fundamental reform in four key areas:

Data Collection

There is a complete lack of reliable quantitative data on the number of mothers in prison, the number of children whose mothers are in prison and the number of women who are pregnant and give birth in prison. Without improved data collection, collation and publication it is both impossible to fully understand the scale and nature of this issue and to properly address it. Mandatory data collection and publication must be urgently prioritised by the Ministry of Justice.

Sentencing

Despite sentencing guidelines which advise judges to consider primary caring responsibilities when passing sentences, an estimated 17,000 children each year are being harmed when their mothers are sent to prison. Children feel invisible in the sentencing process and in many cases, they are indeed disregarded. All too often, the court does not have adequate information about whether a defendant has children and what the impact of a custodial sentence would be on them. To address these issues, we make the following key recommendations:

- that if an offender is the mother or other primary carer of a child, the judge must not sentence, other than in exceptional circumstances, unless a pre-sentence report, containing sufficient information to assess the impact of the sentence on the child, is available at the sentencing hearing;
- when sentencing an offender who has dependent children judges must make every effort to understand the potential impact of a custodial sentence on those children. This could include hearing from the child, if appropriate. Judges should state how they have taken such concerns into account in their sentencing remarks.; and
- to ensure that the existing case law is routinely applied, which currently it is not, a duty should be introduced to require that the welfare of the child

must be at the forefront of the judge's mind and the impact of sentencing on children must be a distinct consideration to which full weight must be given by the courts.

Support for children whose mothers go to prison

Whenever a mother is sent to prison their child's right to respect for family life should be upheld and every possible and practicable step taken to ensure that they are able to maintain positive relationships with their mothers. To this end our recommendations include:

- that the Department for Education, working closely with the Ministry of Justice, must revise the framework for safeguarding and promoting the welfare of children so that much greater attention is paid to the needs of children and their families when mothers go to prison;
- that kinship carers who step in to care for children when their mothers go to prison should be entitled to financial and practical support;
- that mothers should, wherever possible and practicable, be placed in prisons close to their homes and non-means tested financial help should be made available to allow children to visit their mothers (or primary carers) in prison; and
- that contact should (other than in exceptional circumstances) be based on a child's right to respect for family life rather than premised on their mother's behaviour in prison,

Pregnancy and maternity

Separating a baby from its mother is a serious interference with the right to family life. If a baby is born during the mother's sentence, they should both be discharged from hospital directly to a Mother and Baby Unit (MBU) other than in exceptional circumstances; and when a mother with a baby is sent to prison, the sentence should only in exceptional circumstances start before a place is secured in an MBU.

We expect the Government to act swiftly in each of these areas in order to prevent another generation of children suffering the irreparable harm caused when mothers go to prison.

1 Introduction

The impact of sending mothers to prison

1. Sending a mother to prison has a serious, detrimental impact on her children. This has been known for a long time. In 1813 Elizabeth Fry visited Newgate Prison and protested at children being held in abysmal conditions alongside their imprisoned mothers. In her seminal report in 2007 Baroness Corston concluded that: “[t]he effects on the 18,000 children every year whose mothers are sent to prison are so often nothing short of catastrophic.”¹ These effects begin as soon as a mother is sentenced, are felt throughout her sentence and continue for many years after she is released.

Sentencing

2. Evidence presented to this Committee by those with first-hand experience, made it clear that the damaging effects of sending mothers to prison begin from the moment a custodial sentence is given.

“On the day of her trial, I was at home in the living room, dancing to MTV, and I got a phone call from my brother. He said, “Mum’s gone”. I thought he was joking. I had to ask him about five times. From being the young girl who was dancing in the living room, I automatically took on my mum’s role. I did not even have time to adjust to the custodial sentence. It just leaped.”

*Georgia, then aged 15, on hearing that her mother had been sent to prison*²

“The day of the hearing, I dropped my children off at the three different schools and parked my car up on a two-hour slot in front of the courtroom. Within 15 minutes, the judge made a decision to sentence me to three years to make an example out of me, and I went down the stairs. [...] Within a short space of time, my mothering roles, everything that I am as a woman, had been stripped and taken away [...]”

*Lina, whose children were ages 4, 6, 7 and 10 when she was sent to prison.*³

1 Home Office, [The Corston Report](#), March 2007

2 [Q2](#) [Georgia]

3 [Q1](#) [Lina]

During the sentence

3. When a mother goes to prison it is both disruptive and traumatic for her children.

“I was worried about my mum when she was sent to prison. I did not know that it was going to happen. My dad had been to prison but that was not so bad as he could look after himself. I had seen things about prison and thought my mum may be upset and crying, and people may bully her. I had no way of knowing. When she did phone it was a long time. I worried a lot. I felt angry. [...] It upset me most at night. I cried in the dark because I could not hear her voice. Just to say she was okay, and say goodnight and she loved me, and I could say I loved her, was all I needed.”

A written statement from a child whose mother has been in prison, about how he felt during that time.⁴

“I was left with all the responsibilities of going shopping, running a house, everything really, at the age of 15. I was a drop-out from college because it was taboo to have a mother in prison and I felt like I could not talk about it. I became very isolated and started to go down a really bad route of drinking, getting into trouble, expressing anger. That is basically what happened.”

Georgia, then aged 15, explained how her mother being sent to prison impacted on her life.⁵

4. These experiences echo those of children interviewed in a number of research projects.⁶ In 2018, the Prison Reform Trust (PRT) published a report ‘What about me? The impact on children whose mothers are involved in the criminal justice system’ in which young people make these comments:

“It’s hard when it’s your mum in prison... she’s supposed to be the one looking after you.” (Malik, 13)⁷

“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)⁸

Long-term

5. Academic research has shown that children who experience a parent going to prison as a child are more likely than their peers to have future problems. They have an increased likelihood of criminal offending, mental health problems, drug and alcohol addiction,

4 [Q12](#) [Witness A] Witness A is a grandmother who looked after her two grandchildren when their mother, her daughter, was in prison. She read this statement to the Committee on behalf of her grandson.

5 [Q1](#) [Georgia]

6 See for example Prison Reform Trust & Families Outside, [What about me? The impact on children when mothers are involved in the criminal justice system](#), 2018

7 Prison Reform Trust & Families Outside, [What about me? The impact on children when mothers are involved in the criminal justice system](#), 2018, p.14

8 Prison Reform Trust & Families Outside, [What about me? The impact on children when mothers are involved in the criminal justice system](#), 2018, p.15

dying before the age of 65; they are also likely to earn less than their counterparts as adults, and stop education at a younger age than is the norm.⁹ A child with an imprisoned mother is likely to suffer more negative effects than a child with an imprisoned father.¹⁰

6. A mother's imprisonment is likely to have a lasting impact on a child's ability to trust in authority.

“Not just then did it have an effect on me, but even now I am petrified of any kind of authorities: social services, police officers. I am absolutely petrified.”

*Georgia, then age 15 on the long-term impact of her mother's imprisonment.*¹¹

The human rights framework

7. Article 8 of the European Convention on Human Rights (“ECHR”) states:

i) Everyone has the right to respect for his private and family life, his home and his correspondence.

ii) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

8. When the criminal court sentences a parent with a dependent child, the Article 8 ECHR rights of both the parent and the child are engaged. This was made clear in a 2001 case, *R (on the application of P and Q) v Secretary of State for the Home Department*. In this case, Lord Phillips, former Master of the Rolls, said:

“If the passing of a custodial sentence involves the separation of a mother from her very young child (or, indeed, from any of her children) the sentencing court is bound [...] to carry out the balancing exercise [...] before deciding that the seriousness of the offence justifies the separation of mother and child. If the court does not have sufficient information about the likely consequences of the compulsory separation, it must, in compliance with its obligations under section 6(1) [Human Rights Act], ask for more.”¹²

9. In *R v Petherick*, Lord Justice Hughes noted that:

“Almost by definition, imprisonment interferes with, and often severely, the family life not only of the defendant but of those with whom the defendant normally lives and often with others as well. Even without the potentially

9 Dr Shona Minson ([CMP0010](#))

10 Shona Minson, [Direct Harms and Social Consequences: An analysis of the impact of maternal imprisonment on dependent children in England and Wales](#), Criminology and Criminal Justice, 2018.

11 [Q2](#) [Georgia]

12 [R \(on the application of P and Q\) v Secretary of State for the Home Department](#) [2001] EWCA Civ 1151

heart-rending effects on children or other dependents, a family is likely to be deprived of its breadwinner, the family home not infrequently has to go, schools may have to be changed.”¹³

10. The UN Convention on the Rights of the Child (“UNCRC”) is also relevant. Articles 2 (non-discrimination),¹⁴ 3 (best interests of the child), 12 (respect for the views of the child) and 20 (children deprived of family environment) are engaged.¹⁵

11. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (‘the Bangkok Rules’) set out standards for the treatment of women offenders and prisoners. Rule 64 of the Bangkok Rules states that:

“[n]on-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children.”¹⁶

12. Yet, even though the need to consider children has long been recognised, as can be seen from the quotations from our witnesses and others, children are still being profoundly affected when their mothers go to prison. Our inquiry was intended to discover whether the rights of children whose mothers are imprisoned are properly considered in practice, and whether policy is developing in a way which will secure those rights.

Our inquiry

13. There are positive signs that the Government and others, including the judiciary, are keen to address the impact of sending women to prison on their children. The Female Offender Strategy and The Farmer Review for Women (see Chapter 2) both set out steps to address the needs of women who offend more effectively. The Sentencing Council has strengthened its guidance to judges and magistrates about the need to consider dependent children. However, evidence to the inquiry clearly indicated that this guidance is not being satisfactorily adhered to in practice and the question remains whether these steps go fast or far enough to guarantee children’s rights.

14. We published an open call for evidence on 13 September 2018 along with a set of questions which served as the terms of reference for the inquiry. We were very grateful to receive 22 written submissions, 21 of which have been published and can be viewed on our website.¹⁷ The submission we received from the Prisoners’ Advice Service contained

13 [R v Petherick](#) [2012] EWCA Crim 2214

14 Article 2 (2) UNCRC 1989 provides that States shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members In written evidence it is suggested that if children’s rights are not observed within the criminal sentencing courts the courts may be in breach this duty. See Dr Shona Minson ([CMP0010](#))

15 Dr Shona Minson ([CMP0010](#))

16 United Nations, Sixty-fifth Session, [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(the Bangkok Rules\)](#), 16 March 2011

17 [Joint Committee on Human Rights - Publications](#)

sensitive information relating to individual cases and was provided on a confidential basis, so although it has influenced our thinking we have refrained from publishing it. We are grateful to all those who provided evidence.

15. We held a series of four oral evidence sessions. Our key witnesses were people who had first-hand experience of mothers being sent to prison. We wish particularly to thank Lina, Georgia and two witnesses who gave evidence anonymously for sharing their experiences with us. We learnt greatly from and are deeply indebted to them. We are also grateful to the other witnesses who appeared before us: academics, representatives of non-governmental organisations, the chairman of the Sentencing Council and Government ministers.

Scope of our inquiry

16. Children are negatively affected when a parent goes to prison whether that be their mother or their father. The effects are however significantly greater when their mother is imprisoned.¹⁸ This report therefore focuses on mothers and other primary carers (who may be fathers or grandparents) who go to prison. As women are more likely to be primary carers,¹⁹ the report generally refers to mothers, and this should be read as including all primary carers unless otherwise stated.

17. This inquiry has focused on the situation in England and Wales as justice is a devolved matter in Scotland and Northern Ireland.

18 Shona Minson, [Direct Harms and Social Consequences: An analysis of the impact of maternal imprisonment on dependent children in England and Wales](#), *Criminology and Criminal Justice*, 2018

19 Prison Reform Trust, [Why focus on reducing women's imprisonment?](#), February 2017

2 Policy context

The Farmer Review and Farmer Review for Women

18. The Farmer Review was published in August 2017. It focused on men in custodial settings and made recommendations about how prisoners' family ties could be strengthened. It urged that there should be a clear and simple structure for accountability as regards prisoners' contact and relationships with their family. This should include ensuring that the importance of family ties was a 'golden thread' running through the new prison policy frameworks.²⁰ In January 2019, as part of its response to the Farmer Review the Ministry of Justice introduced the new Strengthening Prisoner's Family Ties Policy Framework which is intended to support prison governors to strengthen relationships between prisoners and their families.²¹

19. In 2018 Lord Farmer was asked to carry out a further piece of work to look specifically at the needs of female offenders in prison and in the community. The report of the Farmer Review for Women was published in June 2019 and identifies and makes specific recommendations about how to strengthen female prisoner's family ties, especially with their children.²² We were grateful to Dr Samantha Callan, adviser to Lord Farmer, who gave evidence to us about this work and welcome the recommendations in his review, particularly the recommendation of a Personal Circumstances File. Our report does not therefore seek to contradict but rather to augment the Farmer Review for Women, focusing as our report does, particularly on the interests of prisoners' children.

The Female Offender Strategy

20. The Female Offender Strategy was published by the Ministry of Justice in June 2018.²³ It sets out three priorities: earlier intervention; an emphasis on community-based solutions; and better custody for those women who do have to be in prison. It specifically commits to reducing the number of women serving short custodial sentences and recognises the major part that domestic abuse can play in female offending.

21. The strategy makes several commitments to address issues relating to mothers who go to prison. These include:

- tasking Lord Farmer to carry out a review looking specifically at the needs of female offenders (see para 19 above);
- rolling out training materials for the judiciary on 'Safeguarding Children When Sentencing Mothers'²⁴; and
- reviewing the operation of Mother and Baby Units to ensure that the best interests and safety of children on the unit are the primary consideration.

20 Ministry of Justice, [The importance of strengthening prisoners' family ties to prevent reoffending and reduce intergenerational crime](#), August 2017

21 Ministry of Justice [Strengthening Prisoners Family Ties Policy Framework](#), January 2019

22 Ministry of Justice, [The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime](#), June 2019

23 Ministry of Justice, [Female Offender Strategy](#), Cm 9642, June 2018

24 These training materials were produced by Dr Shona Minson

Women's Policy Framework

22. In December 2018 Her Majesty's Prison and Probation Service (HMPPS) published a new Women's Policy Framework for prison and probation staff who work with women offenders. This replaces Prison Service Order (PSO) 4800 on Women Prisoners. It provides guidance on how they can deliver gender informed services to female offenders in a way that captures and reflects best practice.²⁵

25 Ministry of Justice & HM Prison and Probation Service, [Women's Policy Framework](#), 21 December 2018

3 Data

23. Accurate, reliable and accessible data on the number of mothers with dependent children in prison who go to prison each year and the number of children affected by this is not available.

Available information

24. The table below sets out a sample of the estimates that have been made of the number of mothers and children affected. These have been made using a variety of methodologies and by a range of organisations including the Ministry of Justice, the prisons inspectorate and NGOs. The estimates of the number of children whose mothers go to prison each year range from 2,544 to 17,240.

Table 1: Estimates of the number of mothers with dependent children who go to prison and children whose mothers are sent to prison each year.

SOURCE	Estimate of number of mothers (with dependent children) who go to prison each year ²⁶	Estimate of number of children whose mothers go to prison each year ²⁷
Data matching exercise using Ministry of Justice and Department of Work and Pensions information (2012) ^{28, 29}	1,344	2,544
Prison Inspectorate prisoner survey responses (2016/17) ³⁰	4,536	8,618
Ministry of Justice response to parliamentary question asked by B. Fall (2018) ³¹	5,292	10,055
The Howard League for Penal Reform research (2010) ³²	4,200	17, 240 ³³

26 These figures have been calculated using the estimated percentage of female prisoners with dependent children given in each source report. In 2017 [the Ministry of Justice](#) estimated that there were approximately 8, 400 first receptions of women to prison. A comparable figure for other years is not available. However, the figure does not appear to have changed radically over the period from 2010 – 2018 so this figure has been used for each year to calculate the number of mothers who go to prison each year.

27 These figures have been calculated by multiplying the estimated of number of mothers (with dependent children) who go to prison each year by 1.9, which is the average number of children per women given in the 2011 census.

28 Ministry of Justice, [Female offenders and child dependents](#), 8 October 2015

29 The report finds that between 13% and 19% of all female offenders sentenced to immediate custody for criminal offences in 2012 had one or more child dependents. To calculate the figures given in this table the midpoint of this range (16%) has been used.

30 Gov UK, [HMI Prisons - inspection survey responses 2016/17 and 2017/18](#) Tab 6_01

31 PQ HL8901 [[Prisoners: Females](#)], 25 June 2018. As there is no functionality to record the age of children on NOMIS it is not clear whether these are dependent children or not.

32 The Howard League for Penal Reform, [Voice of a Child](#), 2018

33 This is the figure given in the report, it is not known how it was arrived at.

25. As part of our own evidence gathering for this inquiry the Committee submitted a Freedom of Information Act request to all the prisons holding women in the UK and asked how many women were held and how many of those have children under the age of 18, as at 1 February 2019. We also asked how many of those were serving:

- i) custodial sentences for non-violent offences;
- ii) custodial sentences of more than three months;
- iii) custodial sentences of more than six months; and
- iv) custodial sentences of more than 12 months.

26. We received aggregated responses from the Ministry of Justice, the Scottish Prison Service and from the Northern Ireland Prison Service, all of which stated that while the information did exist, it was not collated centrally, and it would therefore be disproportionately costly to provide it. This confirmed our view that this is a very serious knowledge deficit that must be urgently addressed.³⁴

Information on pregnancy and births in prison

27. No official figures are gathered or published on the number of pregnant women in prison. However, it is estimated that around 600 women receive antenatal care in prison and 100 women give birth in custody every year in England.³⁵

28. We attempted to verify these figures by making a Freedom of Information Act request to all the prisons holding women in the UK, asking them how many prisoners gave birth whilst serving a custodial sentence in 2018. The Northern Ireland Prison Service was able to tell us that no women gave birth at the women's prison in Northern Ireland in 2018 and the Scottish Prison Service told us that the number of women who gave birth whilst serving their custodial sentence in 2018 was 7 (5 from HMP & YOI Cornton Vale and 2 from HMP & YOI Grampian). All these women gave birth in hospital. However, the Ministry of Justice again stated that while the information did exist, it was not collated centrally and it would therefore be disproportionately costly to provide it.³⁶

Data collection

29. It is not clear from the evidence we have received whether women entering prison are always asked whether they have dependent children. While some witnesses indicated that the question was asked on reception into prison³⁷ others said this was not routinely the case.³⁸ The number of children field is not a mandatory field within the NOMIS prison record system.

30. Data ought also to be available from Pre-Sentence Reports (PSRs) which are prepared by probation staff to provide information to the courts to assist them with sentencing. These reports are supposed to highlight the fact an offender has dependent children,

34 Freedom of Information Act - [Responses](#)

35 The Royal College of Midwives ([CMP0008](#))

36 Freedom of Information Act - [Responses](#)

37 [Q29](#) [Stuart Harrington]

38 [Q19](#) [Dr Shona Minson]

where this is known.³⁹ However, there has been a reduction in the number of new PSRs produced; only 144,000 were delivered in 2016–17, compared to 184,000 in 2012–13, a fall of 22%.⁴⁰ There has been a corresponding increase over the same period in the number of sentences passed (both community sentences and custody) where no new PSR has informed sentencing.⁴¹ This source is therefore unlikely to be able to provide accurate information about the number of children who have a mother in prison or mothers in prison who have children.

31. In the Farmer Review for Women, Lord Farmer proposes the introduction of a Personal Circumstances File which would contain information about a women’s caring responsibilities and personal circumstances, collected from the first interaction with the criminal justice system.⁴² This file would be available on an information-sharing platform to allow a range of agencies to access appropriate levels of information about a woman at risk of offending. It would also assist in assessing the appropriate level of support for women. However, there also needs to be a way of ensuring that aggregate information about the number of mothers in prison and the number of children affected is quickly and routinely available. It may be that such files will provide an accurate source of data; but if not, other ways of collecting this information will be needed.

Disclosure

32. It was repeatedly put to us that a major obstacle in improving data collection is the fact that mothers are often reluctant to disclose that they have children, possibly because of concerns they may receive a harsher sentence or that their children will be taken into care, if they do.⁴³ This orthodoxy was challenged by Dr Shona Minson from Oxford University, who felt that although women may be reluctant to say in open court that they have children, if taken aside by a probation officer for a private discussion “very few women hold that information back, because usually they are fairly desperate about what is going to happen to their children.”⁴⁴

Conclusion

33. It is essential to know whether a child has a mother in prison and whether a woman in prison has children. Firstly, without this knowledge at aggregated level it is impossible to design strategic policies or to evaluate their effectiveness. Secondly, the prison authorities need to know that an individual mother is separated from her children. It is also important sentencers and other relevant authorities, including children’s services and schools can be made aware that a child is separated from their mother. (How information could be shared is discussed in Chapter 5).

39 Ministry of Justice ([CMP0014](#)) para.22

40 The National Probation Service’s guidance on PSRs recommends that a report can be re-used if the offender is sentenced for a new offence up to a year after the previous report was produced (though care should be taken when using reports more than six months old).

41 The Centre for Justice Innovation, [The changing use of pre-sentence reports](#), July 2018. The reason is for the reduction is not clear, though one possible reason may be the new National Probation Service policy of reusing existing PSRs for subsequent convictions up to a year after the report was first submitted. However, the trend predates the introduction of this guidance.

42 Ministry of Justice, [The Importance of Strengthening Female Offenders’ Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime](#), June 2019

43 For example Ministry of Justice ([CMP0014](#)), Prison Reform Trust ([CMP0011](#)) and Lucy Baldwin ([CMP0007](#))

44 [Q21](#) [Dr Shona Minson]

34. **The lack of reliable quantitative data on the number of children whose mothers are in prison and the number of mothers in prison is unacceptable. While we welcome the proposal in the Farmer Review for Women of a Personal Circumstances File, without improved data collection, collation and publication it will continue to be impossible to fully understand the scale and nature of this issue and to properly address it. As a matter of urgency, the Government must remedy this situation by:**

- a) *Making it mandatory to ask all woman entering prison whether they have dependent children and what their ages are. This information should then be verified by cross-referencing it with child benefit data.*
- b) *Carrying out an annual census in prisons in which women are asked whether they have dependent children and what their ages are.*
- c) *Collating and publishing this data.*

4 Sentencing

Women in prison

Women in prison: facts

- On 1 February 2019 there were 3,797 women in prison in England and Wales.⁴⁵ 8,106 women entered prison in the year to June 2018—either on remand or to serve a prison sentence.⁴⁶
- Most women entering prison to serve a sentence (82%) have committed a non-violent offence.⁴⁷
- More women are sent to prison to serve a sentence for theft than for violence against the person, robbery, sexual offences, fraud, drugs, and motoring offences combined.⁴⁸
- The proportion of women serving very short prison sentences has risen sharply. In 2018 62% of custodial sentences given to women were for less than six months.⁴⁹
- Women sentenced to custody are almost twice as likely as men to have no previous convictions (22% vs 12%).⁵⁰

35. There is a consensus that the criminal justice system’s current approach to women who offend is not working well.⁵¹ Indeed, the Government’s Female Offender Strategy recognises that coming into contact with the system, and in particular custody, can undermine the ability of women to address the issues that have caused their offending.⁵² The strategy highlights the fact that short custodial sentences do not deliver the best results for female offenders and sets out the Government’s intention to look at what more it can do to emphasise that short custodial sentences should be viewed as a last resort.⁵³ The issues have not been the core focus of this inquiry, but they provide extremely important context for it. **We support the Government’s objective of reducing the number of women in custody, especially on short-term sentences and increasing the proportion of women managed in the community successfully.**

45 Ministry of Justice (2019) [Population and capacity briefing for Friday 1 February 2019](#), London: Ministry of Justice

46 Ministry of Justice, Prison receptions: April to June 2018 Table 2.1 [Offender management statistics quarterly: April to June 2018](#), (2018)

47 Ministry of Justice, Prison receptions: October to December 2018 Table 2.5b, [Offender management statistics quarterly, October to December 2018](#) (2019)

48 Ministry of Justice, Prison receptions: April to June 2018, Table 2.5b, [Offender management statistics quarterly: April to June 2018](#), (2018)

49 Ministry of Justice, Prison receptions: July to September, 2017 Table 2.5a, [Offender management statistics quarterly: July to September](#), (2018)

50 Ministry of Justice, Prison Population 2015, Table A1.18, [Offender management statistics quarterly: January to March 2015](#) (2015)

51 See for example All Party Parliamentary Group (APPG) on Women in the Penal System, [Sentencers and sentenced: exploring knowledge, agency and sentencing women to prison](#) (2018)

52 Ministry of Justice, [Female Offender Strategy](#), Cm 9642, June 2018

53 Ministry of Justice, [Female Offender Strategy](#), Cm 9642, June 2018, para.12

Case law

36. There is a significant body of case law relating to the sentencing of primary carers which sentencing judges should follow. Principles are established in these key cases:

- In 2011, in the case of *R v Bishop*, the Court of Appeal held that: “Decisions of the Court of Appeal [...] have indicated that a sentencing judge should, consistently with Article 8 ECHR have at the forefront of his or her mind the consequences for children if their sole carer is sent to prison and consider whether on balance the seriousness of the offence or offences justifies the separation of child and carer.”⁵⁴
- In 2013, Lord Judge in the case of *HH* stated: “The continuing responsibility of the sentencing court to consider the interests of children of a criminal defendant was endorsed time without number over the following years.”⁵⁵ He goes on to cite the case of *R v Kayani*, in which the Court of Appeal concluded: “There is a distinct consideration to which full weight must be given. It has long been recognised that the plight of children, particularly very young children, and the impact on them if the person best able to care for them (and in particular if that person is the only person able to do so) is a major feature for consideration in any sentencing decision.”⁵⁶
- In the case of *R v Petherick*, the Court of Appeal established various relevant principles,⁵⁷ including:
 - “a criminal court ought to be informed about the domestic circumstances of the defendant and where the family life of others, especially children, will be affected it will take it into consideration. It will ask whether the sentence contemplated is or is not a proportionate way of balancing such effect with the legitimate aims that sentencing must serve.”⁵⁸
 - “in a criminal sentencing exercise the legitimate aims of sentencing which have to be balanced against the effect of a sentence often inevitably has on the family life of others, include the need of society to punish serious crime, the interest of victims that punishment should constitute just desserts, the needs of society for appropriate deterrence (see section 142 Criminal Justice Act 2003) and the requirement that there ought not to be unjustified disparity between different defendants convicted of similar crimes.”⁵⁹
 - “it will be especially where the case stands on the cusp of custody that the balance is likely to be a fine one. In that kind of case the interference with the family life of one or more entirely innocent children can sometimes tip the scales and means that a custodial sentence otherwise proportionate may become disproportionate.”⁶⁰

54 [R v Bishop](#) [2011] EWCA Crim 1446, para 9

55 [HH v Deputy Prosecutor of the Italian Republic, Genoa](#) [2012] UKSC 25

56 [R v Kayani](#) [2011] EWCA Crim 2871

57 [R v Petherick](#) [2012] EWCA Crim 2214

58 [R v Petherick](#) [2012] EWCA Crim 2214, para 20

59 *ibid.* para 21

60 *ibid.* para 22

- “in a case where custody cannot proportionately be avoided, the effect on children or other family members *might* [our emphasis] afford grounds for mitigating the length of sentence, but it may not do so. If it does, it is quite clear that there can be no standard or normative adjustment or conventional reduction by way of percentage or otherwise. It is a factor which is infinitely variable in nature and must be trusted to the judgment of experienced judges.”⁶¹
- In the case of *P and Q*, Lord Phillips held: “If the passing of a custodial sentence involves the separation of a mother from her very young child (or, indeed, from any of her children) the sentencing court is bound by section 6(1) to carry out the balancing exercise ... before deciding that the seriousness of the offence justifies the separation of mother and child. If the court does not have sufficient information about the likely consequences of the compulsory separation, it must, in compliance with its obligations under section 6(1), ask for more.”⁶²
- In certain cases, it may be appropriate to suspend a custodial sentence when the person being sentenced is the parent of dependent children and the effect of custody would be devastating for the children (see for example, *R v Modhwadia*⁶³).

The current framework for sentencing mothers

37. When sentencing an offender, a court must also follow any relevant sentencing guidelines, unless it is contrary to the interests of justice to do so.⁶⁴ For most offences, sentencing guidelines provide a range of appropriate sentences and give guidance on various factors the court should take into account that may affect the sentence given; these are called “aggravating” and “mitigating” factors, which may increase or reduce a sentence, respectively. They are available for most of the significant offences sentenced in the magistrates’ court and for a wide range of offences in the Crown Court. Offence specific sentencing guidelines contain the mitigating factor “sole or primary carer for dependent relatives.”⁶⁵

38. In addition, the Sentencing Council issued an overarching guideline effective from 1 February 2017 on the imposition of community and custodial sentences (the ‘Imposition guideline’). The Imposition guideline, reflecting one aspect of the case law, states that:

“For offenders on the cusp of custody, imprisonment should not be imposed where there would be an impact on dependants which would make a custodial sentence disproportionate to achieving the aims of sentencing.”⁶⁶

61 [R v Petherick](#) [2012] EWCA Crim 2214 para 22

62 [R \(on the application of P and Q\) v Secretary of State for the Home Department](#) [2001] EWCA Civ 1151

63 [R v Modhwadia](#) [2017] EWCA Crim 501

64 Coroners and Justice Act 2009, [section 125](#)

65 The Sentencing Council is in the process of consulting on an expanded explanations guideline on aggravating and mitigating factors. This proposes slightly more detailed guidance on the ‘sole or primary carer for dependent relatives’ mitigating factor which appears in 83 offence guidelines. The main addition is that ‘Where custody is unavoidable consideration of the impact on dependants may be relevant to the length of the sentence imposed.’ It also refers to pregnant women.

66 Sentencing Council, [Imposition of Community and Custodial Sentences Definitive Guideline](#), 2016

39. Lord Justice Holroyde, Chair of the Sentencing Council, told us that he believes that the current set of guidelines are sufficient and that there is no need for a separate guideline advising on the sentencing of mothers.⁶⁷ When asked about whether existing guidelines set out that the best interests of the child should be a primary consideration in decision-making he replied:

“No, not in those terms. I have indicated that the effect on others, including children, is a topic to which the sentencer is directed to have attention. It would be appreciated, I am sure, that the sentencer has a number of considerations to bear in mind, including perhaps most obviously the effect of the crime on victims. We do not spell out in terms in our guidelines, which we like to keep pretty short and focused so far as possible [...]”⁶⁸

40. It was put to us that despite the references to primary caring responsibilities in the sentencing guidelines, in practice judges do not consistently sentence mothers according to the principles set out in them and established in case law. Rather there is a widespread lack of knowledge about the consequences for children of sending a mother to prison.⁶⁹ In her research, conducted in 2015, Dr Shona Minson quotes a Crown Court Judge as saying:

“Most judges are still of the school of thinking, that family mitigation is neither here nor there.”⁷⁰

41. Despite the subsequent introduction of the Imposition guideline and the roll out of new training materials for the judiciary outlining their duties towards children of defendants,⁷¹ Dr Minson doubted that these positive steps alone would have significantly changed sentencing practice.⁷²

Pre-Sentence Reports

42. We are concerned that courts may not have the information they need to sentence appropriately. Case law has established that is the court’s duty to make sure that it has all relevant information about dependent children before deciding on a sentence.⁷³ Dr Jo Easton, Deputy Chief Executive and Director of Policy and Research at the Magistrates Association told us that having this information before the court is vital:

“It is very clearly set out in the sentencing guidelines, [...] you have to look at the impact on the children and ensure that the sentence is still proportionate, which is the correct language to use in terms of human rights. If the information is not before the court or it is not detailed enough, it may be very difficult for them to make that judgment.”⁷⁴

67 [Q20](#) [Lord Justice Holroyde]

68 [Q20](#) Lord Justice Holroyde

69 Dr Shona Minson, [Who cares? Analysing the place of children in maternal sentencing decisions in England and Wales](#), 2017

70 *Ibid.* p.152

71 These have been produced by Dr Shona Minson, have been adopted by the Judicial College and been brought to the attention of all judges through the College’s internal Learning Management System

72 [Q20](#) [Dr Shona Minson]

73 [R v Bishop](#) [2011] WL 84407 Court of Appeal

74 [Q20](#) [Dr Jo Easton]

43. Pre-Sentence Reports (PSRs) which are prepared by the National Probation Service (NPS) should play an important role in meeting this legal requirement; informing judges and magistrates whether offenders have dependent children and the likely impact of a custodial sentence on them. However, Dr Natalie Booth from De Montfort University questioned whether PSRs are fulfilling this function:

“Pre-sentence reports (PSRs) have the potential to be a useful conduit to provide information about the defendant’s personal circumstances (and caregiving responsibilities) but they are used inconsistently and ineffectively in many cases.”⁷⁵

44. This is backed up by the initial findings from research carried out by the Centre for Justice Innovation in 2018 into the use of PSRs:

- There was a 22% fall in the number of new PSRs between 2012–13 and 2016–17. This fall means that there has been an increase in the number of sentences passed (both community sentences and custody) where no new PSR has informed sentencing;
- Over the same period there has been a significant change in how PSRs are delivered to court, with an increasing proportion of PSRs delivered orally rather than in writing;
- While the number of PSRs has fallen, where they are used, the likelihood that sentencers follow the recommendations in the report has increased slightly (by 4% since 2012/13);
- Because cases with PSRs are more than ten times more likely to receive a community sentence, the fall in numbers of PSRs is strongly linked to the decline in community sentences.⁷⁶

45. The National Probation Service has produced an evidence-based checklist to support probation staff in considering the full range of factors which might be relevant to a woman’s offending or to the proposed sentence, including in relation to her children. The checklist is currently being piloted with a view to being rolled-out nationwide shortly.⁷⁷ The Ministry of Justice was unable to make it available to us.

46. *Judges can only fulfil their obligation to weigh the Article 8 rights of a child when sentencing if they know that the child exists. At the moment there is no guarantee they will have that information. We recommend that when sentencing an offender the judge must make reasonable enquiries to establish whether the offender is the primary carer of a child. If the offender is a primary carer of a child, the judge must not sentence unless a pre-sentence report is available at the sentencing hearing, unless in exceptional circumstances. This report must contain sufficient information for the judge to make an assessment of the impact of sentencing on the child.*⁷⁸

75 Dr Natalie Booth (CMP0016)

76 The Centre for Justice Innovation, [The changing use of pre-sentence reports](#), July 2018

77 Ministry of Justice (CMP0014)

78 The [Farmer Review on Women](#) makes a similar recommendation. This is that a written PSR should be made mandatory for all women (and male primary carers) before a custodial sentence is passed (if a recent report is not available). This should include accurate information on relationships and the impact of custody on family ties.

47. The take-up rate of Child Benefit is very high; 93% of those who are eligible for it made a claim in 2016–17.⁷⁹ *Given that some women may be reluctant to disclose that they have dependent children, the National Probation Service should check with HM Revenue and Customs (HMRC) whether a defendant is in receipt of Child Benefit when compiling her Pre-Sentence Report.*

Views of Children

48. We have heard that children feel invisible in the sentencing process. Georgia summed up how she felt in these terms:

“This is the thing I always think about, and I think back to it quite a lot. I know my mum did wrong and deserved a punishment, but if you were to stand my mum up in that box with me and my brother, and someone turned around and said, “Do you sentence these three?”, would the judge look at it differently?”⁸⁰

49. *In order to comply with their obligations under the Human Rights Act, case law provides that judges must understand the potential impact of a custodial sentence on children. To this end, judges must ensure they have sufficient information about the likely consequences of separation of a child from his or her primary carer. This could include hearing from the child, if appropriate. Judges should state how they have taken this information into account in their sentencing remarks.*

Welfare of the child

50. Despite the sentencing guidelines, an estimated 17,000 children each year are being harmed when their mothers are sent to prison,⁸¹ the vast majority for non-violent offences.⁸² We are concerned that the sentencing guidelines are either not followed or are not effective.

51. **We know from our evidence that the welfare of dependent children is not always taken into account in sentencing hearings. We have also heard forceful evidence of the damage done to a child when a mother is sent to prison. These messages are not new. To shift entrenched practice and protect children’s rights to family life, the sentencing framework needs to give greater visibility to the welfare of the child. The welfare of the child must be at the forefront of the judge’s mind. The impact of sentencing on children must be a distinct consideration to which full weight must be given by the courts. This duty, which reflects existing case law, should be given statutory force.**

79 HM Revenue and Customs [Child Benefit, Child Tax Credit and Working Tax Credit Take-up rates 2016 to 2017](#), December 2018

80 [Q6](#) [Georgia]

81 The Howard League for Penal Reform, [Voice of a child](#), 2011

82 Ministry of Justice, Prison receptions: April to June 2018, Table 2.5b, [Offender management statistics quarterly: April to June 2018](#), (2018)

5 Support

52. Our starting premise is that the best way to safeguard the rights of children is not to send mothers to prison in the first place. However, we recognise that in certain cases the need to protect the public may result in a custodial sentence for mothers. For their children, the right to respect for family life must continue to be upheld and every step taken to ensure that they are able to maintain positive relationships with their mothers.

Entering custody

53. The lack of preparations made for the care of dependent children when a mother is at risk of being given a custodial sentence has been identified as a particular problem.⁸³ Lina told us she had not expected to be sent to prison and so had not made arrangements to have her children collected from school on the day of her sentencing:

“My probation officer guided me throughout the whole process and said that I would not get a custodial sentence. My solicitor also said that I would not get a custodial sentence because it was my first offence; I would be put on a community service order. The court was aware that I had three children in three different schools. The day of the hearing, I dropped my children off at the three different schools and parked my car up on a two-hour slot in front of the courtroom. Within 15 minutes, the judge made a decision to sentence me to three years to make an example out of me, and I went down the stairs.”⁸⁴

54. Similarly, Georgia had not been prepared and her mother’s sentence came as a shock to her:

“[...] Around a week or two beforehand, I had gone to her trial with her and listened to all the prosecutors, which was very daunting. We had not been under the impression at all that she was going to go, because they put it for a pre-sentence report so she could explain that she had me and my brother at home and there was no one to look after us. We had it in our head that she was not going.”⁸⁵

55. It is wholly unacceptable that courts can sentence mothers to immediate imprisonment without ensuring their children are cared for. Being separated by imprisonment is a traumatic experience for children and their mothers; when it happens without warning or preparation the trauma is increased. *Where possible, the court should give advance notice that it is considering a custodial sentence, so that care arrangements can be made. If it does impose a custodial sentence it must be satisfied that there are arrangements in place for the child of the offender, and, if necessary, defer the sentence to allow such arrangements to be made.*

83 See for example Lucy Baldwin ([CMP0007](#))

84 [Q1](#) [Lina]

85 [Q2](#) [Georgia]

Care arrangements

56. There is a serious lack of up to date information about what happens to children when their mother (or other primary carer) is sent to prison. Figures in the Corston Report, published in 2007, state that around:

- 95% of children whose mother is imprisoned do not remain in their own home;
- 25% are cared for by grandmothers;
- 29% by other family members or friends;
- 12% are in care or with foster parents or adopted; and
- 9% of the children are cared for by their fathers.⁸⁶

57. Georgia explained how she and her brother received no support from social services when her mother was in prison:

“When I was 15, [my mum] got sent to prison for a fighting offence, which was really unexpected. I lived at home with my brother, who was 16. A friend of the family made a referral to social services. They said because we had family around the area, not living with us, we did not meet the criteria to receive help from social services. I was left with all the responsibilities of going shopping, running a house, everything really, at the age of 15.”⁸⁷

58. Other witnesses confirmed that Georgia’s experience was not unusual. Stuart Harrington from the National Information Centre on Children of Offenders, run by Barnardos, told us “Elder siblings in particular taking on that parental role is unfortunately all too common.”⁸⁸ Lucy Baldwin from De Montfort University highlighted the experiences of three young people, interviewed for her research who left full time education to care for younger siblings, when their mothers went to prison. None of the three returned to full time education, although two of them had previously aspired to go to university.⁸⁹

The role of children’s services

59. There is no specific legislation addressing the needs of children of prisoners. Although this group can fall within the definition of ‘children in need’ as set out in section 17 of the Children Act 1989⁹⁰ the evidence is that they only rarely receive support from local authority children’s services.⁹¹

86 Home Office, [The Corston Report](#) March 2007

87 [Q1](#) [Georgia]

88 [Q33](#) [Stuart Harrington]

89 [Q33](#) [Lucy Baldwin]

90 A child in need is defined under the Children Act 1989 as a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled.

91 Dr Shona Minson ([CMP0010](#))

60. The ‘Working Together’ statutory guidance applies to all organisations and agencies who have functions relating to children and sets out the statutory requirements to assess and provide services for ‘children in need’.⁹² In its written evidence to this inquiry the Ministry of Justice notes:

“While there is no requirement to focus on children with a parent in custody, the statutory guidance, Working Together to Safeguard Children (2018) advises practitioners to consider the support needs of children including those with a parent in custody.”⁹³

61. However, closer examination of this guidance reveals that this advice is only directed to the probation service.⁹⁴ The list of groups of children that all agencies are recommended to consider as possible beneficiaries of ‘early help’⁹⁵ does not include children of prisoners.⁹⁶ Children of prisoners are also invisible in the Department for Education’s regular statistical report on the characteristics of children in need.⁹⁷ It is therefore unsurprising that this group are not prioritised at local authority level. Neither the Association of Directors of Children’s Services nor the Local Government Association felt able to provide either written or oral evidence to this inquiry when invited to do so.

62. When we discussed this with Parliamentary Under Secretary of State for Children and Families, Nadhim Zahawi MP he argued that “automatic assessment by children’s social care for all children of prisoners” was not the right way forward. He said that “... it would be wrong to assume that every child of an adult going to prison needs to be assessed because their needs may vary. They may not have any needs at all.” He was also concerned that routine assessment would be disruptive and stigmatising for children.⁹⁸

63. We agree that children’s services involvement may not be necessary in every case where a mother goes to prison. However, we are very concerned that gaps in the current statutory framework mean that children like Georgia, who should be considered as potential ‘children in need’, are being left with no support and expected to fend for themselves. The “Working Together” guidance does not clearly direct professionals to consider whether these children may qualify as children in need. ***It is essential that “Working Together” be amended to make it clear that children of prisoners should be regarded as ‘children in need’ and should be assessed where appropriate.***

Information sharing

64. Children cannot receive help if those who are responsible for providing that help do not know that a child has a parent in prison. Parliamentary Under Secretary of State for Children and Families, Nadhim Zahawi MP highlighted that the statutory “Working Together” guidance requires that probation services should ask all offenders at the earliest opportunity whether they live with, have caring responsibilities for, are in regular contact

92 HM Government, [Working together to Safeguard Children, A guide to inter-agency working to safeguard and promote the welfare of children](#), July 2018, p.21

93 Ministry of Justice (CMP0014)

94 HM Government, [Working together to Safeguard Children, A guide to inter-agency working to safeguard and promote the welfare of children](#), July 2018, p.21 para 40

95 ‘Early help’ is an informal assessment of need prior to statutory assessment under s.17

96 HM Government, [Working together to Safeguard Children, A guide to inter-agency working to safeguard and promote the welfare of children](#), July 2018

97 Department for Education, [Characteristics of children in need: 2017 to 2018](#), October 2018

98 [Qq52-53](#) [Nadhim Zahawi MP]

with, or are seeking contact with children. Where this applies, a check should be made with the local authority children's services at the earliest opportunity as to whether the child is known to them and, if they are, the nature of their involvement.

65. This requirement does not appear to create an obligation to inform local authority children's services when a mother (or other primary carer) has received a custodial sentence (as opposed to when one is being considered). Further, this guidance is only directed at probation staff and does not include prison staff. ***The "Working Together" Guidance should be amended to make it explicit that probation and prison staff are under a duty to inform the relevant local authority children's services whenever they become aware that a prisoner has children.***

Education

66. If a mother is sent to prison her child's education may well be disrupted. If the child must move from their family home as a result, they may no longer be able to attend the same school. However, there is no requirement that they are given priority for school places, so such children may spend significant periods of time out of education if there are no places available in the area which they move to.⁹⁹ In other cases, such as Georgia's, children may drop out of education altogether.

67. Due to the lack of a reliable mechanism for informing schools when a mother with a dependent child is sent to prison and the fact that it is not something families always share voluntarily, because of perceived shame and stigma, schools often do not know when pupils are in this situation.¹⁰⁰ This means that they are unable to provide effective support to children who may experience bullying, struggle academically and/or develop behavioural problems.

68. Even when schools are aware that a pupil's mother is in prison they are not always supportive. For example, Witness B told us that she had problems with her behaviour at school but instead of being sympathetic, the school's approach was to punish her without attempting to understand why she was struggling.¹⁰¹

69. Witness B's reaction to her mother's imprisonment is not unusual. 75% of those supported by the charity Children Heard and Seen reported a negative impact on their child's behaviour at home and at school. These included increases in anger, aggression and threatening behaviour, poor attendance, sadness (missing the parent) and self-harm including dropping out altogether.¹⁰²

70. ***It is welcome that the Keeping Children Safe in Education guidance published by the DfE in 2018 now includes a reference to children of prisoners and signposts school staff to the National Information Centre on Children of Offenders website.¹⁰³ This is an important step forward. We urge the Department for Education to consider issuing more extensive tailored guidance for schools on how to support children whose mothers are in prison and providing relevant training for teachers and school staff.***

99 Dr Shona Minson ([CMP0010](#))

100 Children Heard and Seen ([CMP0018](#))

101 [Q14](#) [Witness B]

102 Children Heard and Seen ([CMP0018](#))

103 Department for Education, [Keeping children safe in education](#), September 2018

Support for kinship carers

71. There is little support for those caring for children whose mothers are in prison.¹⁰⁴ For example, Lucy Baldwin told us:

“Once a mother has been sentenced to custody or remanded, there is very little support for children, or the carers who may have taken in the children unexpectedly (often grandparents). Many children are then forced further into poverty as they move in with families, most already on limited incomes, grandparents may have to take early retirement or give up a salaried position to take on the care of children.”¹⁰⁵

72. This is borne out by the experience of Witness A, who looked after her grandchildren when their mother was in prison:

“I have no legal guardianship of Witness B and [xxx]. It is a family decision that they stay with us. Therefore, I get no help at all. We get no financial help. The only support that I got from social services was right at the beginning. They said, “The children are safe”, and suddenly backed off. Children Heard and Seen has been the support for me and the children. [...] It is okay saying that I am their grandparent, and I would not have it any other way. Another decision would never have been made. They were coming to me, end of, but it affected my life a lot.”¹⁰⁶

73. *Kinship carers who step in to care for children when their mothers go to prison should be entitled to financial and practical support. This should include an allowance to cover the costs of raising a child.*

Contact between children and mothers during a prison sentence

74. The European Court of Human Rights (ECtHR) has found that the State has positive obligations under Article 8 to “enable and assist a detainee in maintaining contact with his [or her] close family”.¹⁰⁷ In the case of *Horych v Poland* the Court held that unnecessary or disproportionate restrictions on visiting rights and inappropriate conditions may violate Article 8 ECHR.¹⁰⁸

75. In practice there are several barriers to maintaining contact between children and their mothers during their time in prison. In the 2017 Baldwin and Epstein study one woman whose children visited only once explained some of these problems:

“My family wanted to bring my kids but it was too far. My sister tried to get help but it just didn’t happen, she said it was too complicated. [...] I couldn’t cope with seeing them, and it was too expensive anyway. [...] They were difficult to contact, I didn’t have much funds, no letters.”¹⁰⁹

104 Grandparents Plus ([CMP0023](#))

105 Lucy Baldwin ([CMP0007](#))

106 [Q11](#) [Witness A]

107 [Horych v Poland](#) (Application no. 13621/08), April 2012 para 131

108 [Horych v Poland](#) (Application no. 13621/08), April 2012 para 123

109 Lucy Baldwin and Rona Epstein, [Short but not sweet](#), July 2017, p. 35

76. The cost of travel to prisons for face to face visits was frequently mentioned during our inquiry. This is often exacerbated by the fact that many women are placed in prisons far away from where they live. (See Annex).

77. Witness A told us:

“Because my husband and I work and we are not on benefits, we are entitled to no help in getting the children to visit her. We could only do it once because it was a lot of money for the train fare [...]. Even when you get to [...], they do not tell you, but it is then £10 for a taxi to get to [the prison], because it is in the middle of nowhere.”¹¹⁰

78. The Government runs the Assisted Prison Visits Scheme which provides help with travel costs for close relatives or partners to visit prisoners. However, it is only available to those in receipt of certain benefits or on a low income. As Witness A’s case illustrates, this means that many kinship carers who are working and therefore not eligible for help with the costs of visiting cannot afford to take children to visit their mothers. ***Mothers should, wherever possible and practicable, be placed in prisons close to their homes and non-means tested financial help should be made available to allow children to visit their mothers (or primary carers) in prison.***

79. Several of the women in the Baldwin and Epstein study also described how visits, when they did occur, were traumatic and stressful for both their children and themselves. One commented:

“It was awful anyway. I wasn’t allowed out of my seat. I wasn’t allowed them on my knee. It’s cruel, why punish them if it’s me that’s done wrong.”¹¹¹

80. Our attention has been drawn to a number of examples of good practice. For example, the Visiting Mum scheme at HMP Eastwood Park facilitates visits in which mothers can move about freely and interact with their children.¹¹²

81. Positive steps are being taken as a result of the first Farmer Review to improve the situation. The Women’s Policy Framework introduced by the Ministry of Justice requires that prisons should have a ‘Family and Significant Other Strategy’ in place which sets out how they aim to help women maintain family relationships, including with their children. The Ministry of Justice has also devolved the budget for family services to governors of all public-sector prisons, enabling them to deliver tailored family services.¹¹³

82. Stuart Harrington from the National Centre for Children of Offenders told us that these efforts are bearing fruit:

“It genuinely is an improving picture within prisons. This is particularly true in the female estate - the idea that family and the importance of family is at the forefront of any decision that the prison makes.”¹¹⁴

110 [Q11](#) [Witness A]

111 Lucy Baldwin and Rona Epstein, [Short but not sweet](#), July 2017, p. 36

112 Ministry of Justice ([CMP0014](#))

113 Ministry of Justice ([CMP0014](#))

114 [Q30](#) [Stuart Harrington]

83. The Farmer Review for Women, published in June 2019 makes a number of further recommendations. Some of the key proposals are:

- each prison to provide a physical space where women can spend private time with family members and significant others with appropriate risk assessment and safeguarding procedures in place;
- the Gateway Communication System to be two-way so that women inside prison who have ongoing caring responsibilities can express concerns, thereby alleviating their own anxiety and making it clear to those on the outside that they have not been abandoned;
- it should be Ministry of Justice policy to allow governors in women's prisons to use Release on Temporary License more creatively and ambitiously to enable women to resume contact with family and undertake caring responsibilities;
- the Ministry of Justice should fund an on-site social worker as part of the multidisciplinary team within each prison;
- the women's estate in its entirety should be prioritised for roll-out of virtual visits with all women routinely able to use facilities, where there are no security concerns, because of the disproportionately positive impact on children; and
- in-cell telephony to be rolled out in all women's prisons as part of the next wave of installation given that so many women are primary carers.¹¹⁵

84. ***It is essential that good practice is replicated across the women's prison estate so that all children separated from mothers who are in prison can maintain positive and regular contact with them. We welcome the recommendations in the Farmer Review for Women. The Government must implement them as soon as possible.***

Visits and phone calls as a privilege

85. It was brought to our attention that visits of a child to their mother in prison can be restricted under the Incentives and Earned Privileges scheme which is used to manage prisoners' behaviour. This means that children's ability to contact their parent depends on their parent's behaviour in prison, rather than the children's right to respect for family life. Witness B told us that when her mother was not able to phone her because she had lost privileges: "It is like we are getting punished for her choices."¹¹⁶

86. In his first report Lord Farmer addressed this issue. He drew a distinction between extended visits, which he said should not be linked to behaviour and additional short visits which he says might be, at the Governor's discretion. This position has now been adopted in the Family Policy Framework published by the Ministry of Justice in January 2019.

87. Stuart Harrington from the National Information Centre for Children of Offenders set out why this position is problematic from a human rights perspective:

115 Ministry of Justice, [The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime](#), June 2019

116 [Q15](#) [Witness B]

“We appreciate that Prison Governors have now been given instructions that for special, extended or ‘family’ visits, a prisoner’s attendance will not be based on their status in the Incentives and Earned Privileges Scheme. However, for routine social visits, the number of visits that a prisoner is given is still governed by the scheme. This is contrary to the right to family life of the child, as it treats family contact as a prisoner’s privilege rather than a child’s right. [...] We no longer punish prisoners by restricting their diet to bread and water nor should we by restricting their contact with their families.”¹¹⁷

88. *A child’s visits to their mother in prison should be premised on their right to respect for family life rather than on a parent’s behaviour in prison. Only in the most exceptional circumstances should visits between children and their mothers be restricted.*

6 Pregnancy and maternity

Experiences of pregnancy and maternity in prison

89. Relatively little research has been done about women’s experiences of pregnancy and maternity in prison. One of the few studies undertaken was that conducted by Dr Laura Abbott from the University of Hertfordshire, who told us:

“There was overwhelmingly a sense of incredible stress, distress and frustration from the women who I spoke to. They did not understand or know what they were entitled to and what their rights were.”¹¹⁸

90. The evidence on the quality of care given to pregnant women in prisons makes us concerned about whether their dignity and right to respect for private life (Article 8 ECHR) is being adequately protected. For example, Polly, who was four months pregnant when she entered prison, and who had been sentenced to 6 months for interfering with her electricity meter, told researchers:

“When I lost my baby, I was bleeding on my own in my cell for hours. I was terrified, and the prison said they would get me to the doctors in the morning. I was in so much pain they called an ambulance eventually. I lost my baby on the way to the hospital, in handcuffs. I will never forgive them for that. There was no need for cuffs. I wasn’t exactly running away, was I?”¹¹⁹

91. Concerns were also raised about access to basic necessities. Dr Laura Abbott gave us the example of breastfeeding women or those who have been recently separated from a new-born baby, not having access to breast pads which they found “frustrating, incredibly embarrassing and really upsetting.”¹²⁰ Other women were reported to be hungry and their nutritional needs not met.¹²¹

92. The Women’s Policy Framework (WPF) and supporting guidance were issued in December 2018 and require that the needs of pregnant women and women who have given birth are assessed and addressed, and that pre-natal and post-natal care is available in all women’s prisons. This is a welcome commitment and we look forward to it being fully implemented across the women’s custodial estate.

Births in prison

93. It has been reported that some women have given birth in prison. Without accurate data collection, collation and publication it is impossible to know how widespread this issue is (see recommendations in Chapter 3) but in October 2017 Birth Companions wrote to the HMPPS Women’s Team about a number of incidents where women in custody gave birth in inappropriate settings, including in prison cells.¹²² As the Royal College of Midwives highlights this can pose serious risks to human rights:

118 [Q39](#) [Dr Laura Abbott]

119 Lucy Baldwin and Rona Epstein, [Short but not sweet](#), July 2017, p. 29

120 [Q39](#) [Dr Laura Abbott]

121 [Q39](#) [Dr Laura Abbott]

122 The Royal College of Midwives ([CMP0008](#))

“We would also like to alert the Committee to dangerous practices in prisons where women are denied access to qualified maternity practitioners when in labour. This risks the health of mother and newborn, and risks a breach of Article 2 [...] If a woman is denied access to maternity care which results in harm, we argue this could be a breach of Article 3.”¹²³

94. Edward Argar MP, Parliamentary Under Secretary of State for Justice sought to reassure us that the introduction of the Women’s Policy Framework will ensure that women are able to access the care they need when the need it:

“All pregnant women in prison will have an individual care and management plan that is communicated to staff, and they will be seen by a midwife at least fortnightly or as required. Should any concerns be raised by a pregnant prisoner and there are no midwives in the prison, telephone access will be provided to enable the woman to phone the labour ward for advice and reassurance or prison staff will alert healthcare staff, who will contact the local hospital maternity unit. Medical emergencies are dealt with by 999 calls and prisoners have access to an emergency bell to alert staff at night.”¹²⁴

95. *The evidence we have received about the experiences of these women serve to demonstrate to us that their imprisonment poses a threat to their human rights. The Government’s commitments to improving the care of pregnant women and those who give birth in prison are welcome and must be implemented swiftly.*

Mother and Baby Units

96. It is nearly always in their best interests for babies and very young children to be with their mothers during the crucial stages of early development. Mother and Baby Units (MBUs) enable women to stay with their babies and young children up until the age of 18 months and provide parenting support. There are six MBUs in England and Wales¹²⁵ with a total capacity of 64 babies.¹²⁶ Figures provided to the Committee by the Ministry of Justice show that these places are underutilised.¹²⁷

97. There is no automatic transition of new mothers from the usual prison setting to MBUs after birth; women must make an application and only approximately 50% of women will gain a place with their baby with the remaining 50% separated from their babies shortly after birth.¹²⁸

98. Prison Service Instruction 49/2014 sets out the application process for MBU places.¹²⁹ It states that women who are eligible should be encouraged to make an application for a place in an MBU at the earliest opportunity. In practice though, women are not able to apply for places before they get to prison meaning that the ‘earliest opportunity’ is on arrival. As a result, women are routinely separated from their babies while their applications are being processed. Dr Laura Abbott cited this example from her research:

123 The Royal College of Midwives ([CMP0008](#))

124 Ministry of Justice ([CMP0022](#))

125 Bronzefield, Eastwood Park, Styal, New Hall, Peterborough and Askham Grange.

126 The Royal College of Midwives ([CMP0008](#))

127 Ministry of Justice ([CMP0022](#))

128 The Royal College of Midwives ([CMP0008](#))

129 National Offender Management Service, [Mother and Baby Units](#), December 2014

“I spoke to one woman who had a three-week-old baby when she was sentenced to a prison where she was not able to take her baby with her. She was a breastfeeding mother. She was reunited with her baby about two months later, so it is not automatic that mothers will go with their baby to the mother-and-baby unit.”¹³⁰

99. We also heard evidence that women can face very long delays in finding out whether they have a place at an MBU, with some women giving birth without knowing if they have a place.¹³¹ There is very little support for women who are separated from their babies despite the risk this situation holds for suicide and self-harm.¹³²

100. The Female Offender Strategy notes that the MoJ intends to review the operation of mother and baby units “[t]o ensure that the existing provision responds to need and offers the best support to women and their children [...]”¹³³ **We welcome the Ministry of Justice review of mother and baby units. It should ensure that mothers are not separated from their babies simply because they have been imprisoned. *The process for applying for and allocating places in Mother and Baby Units (MBUs) must be reformed. If a baby is born during the mother’s sentence, they should both be discharged from hospital directly to an MBU, other than in exceptional circumstances. When a baby is born shortly before the mother’s sentence begins, the sentence should only in exceptional circumstances start before a place is secured in an MBU.***

130 [Q41](#) [Dr Laura Abbott]

131 [Q40](#) [Naomi Dalep]

132 [Q40](#) [Naomi Dalep]

133 Ministry of Justice, [Female Offender Strategy](#), Cm 9642, July 2018

7 Conclusion

101. There are reasons to be optimistic for the many thousands of children whose rights to family life are put at risk each year when their mothers go to prison. High quality academic research and reports from non-governmental organisations in recent years have focused renewed attention on the issue, steps have been taken to prompt sentencers to take dependent children into account in their decision-making and work is underway to strengthen relationships between prisoners and their families. However, the evidence we have gathered leads us to the conclusion that these steps alone are insufficient. In this report we have set out the case for a number of fundamental reforms that are necessary to protect the rights of children whose mothers go to prison. Urgent changes are required in four areas:

- **Data Collection:** it is essential to know how many children and mothers are affected when mothers go to prison. Mandatory data collection and publication as detailed in Chapter 3 must be prioritised by the Ministry of Justice.
- **Sentencing:** judges must, apart from in exceptional circumstances, have pre-sentence reports available to them to be able to assess the impact of custodial sentence on a dependent child and hear directly from children, where appropriate. Dependent children should also be given greater visibility in the sentencing framework by introducing a duty, reflecting existing case law, requiring that the welfare of the child be at the forefront of the judge's mind and the impact of sentencing on children be a distinct consideration to which full weight must be given by the courts.
- **Support for children whose mothers go to prison:** the Department for Education, working closely with the Ministry of Justice, must revise the framework for safeguarding and promoting the welfare of children so that much greater attention is paid to the needs of children and their families when mothers go to prison.
- **Pregnancy and maternity:** separating a baby from its mother is a serious interference with the right to family life. If a baby is born during the mother's sentence, they should both be discharged from hospital directly to an MBU, other than in exceptional circumstances. When a baby is born shortly before the mother's sentence begins, the sentence should only in exceptional circumstances start before a place is secured in an MBU.

102. We expect the Government to act swiftly in each of these four areas, in order to prevent another generation of children suffering irreparable harm when their mothers go to prison.

Conclusions and recommendations

Data

1. The lack of reliable quantitative data on the number of children whose mothers are in prison and the number of mothers in prison is unacceptable. *While we welcome the proposal in the Farmer Review for Women of a Personal Circumstances File, without improved data collection, collation and publication it will continue to be impossible to fully understand the scale and nature of this issue and to properly address it. As a matter of urgency, the Government must remedy this situation by:*
 - a) *Making it mandatory to ask all woman entering prison whether they have dependent children and what their ages are. This information should then be verified by cross-referencing it with child benefit data.*
 - b) *Carrying out an annual census in prisons in which women are asked whether they have dependent children and what their ages are.*
 - c) *Collating and publishing this data.* (Paragraph 34)

Sentencing

2. We support the Government's objective of reducing the number of women in custody, especially on short-term sentences and increasing the proportion of women managed in the community successfully. (Paragraph 35)
3. *Judges can only fulfil their obligation to weigh the Article 8 rights of a child when sentencing if they know that the child exists. At the moment there is no guarantee they will have that information. We recommend that when sentencing an offender the judge must make reasonable enquiries to establish whether the offender is the primary carer of a child. If the offender is a primary carer of a child, the judge must not sentence unless a pre-sentence report is available at the sentencing hearing, unless in exceptional circumstances. This report must contain sufficient information for the judge to make an assessment of the impact of sentencing on the child.* (Paragraph 46)
4. *Given that some women may be reluctant to disclose that they have dependent children, the National Probation Service should check with HM Revenue and Customs (HMRC) whether a defendant is in receipt of Child Benefit when compiling her Pre-Sentence Report.* (Paragraph 47)
5. *In order to comply with their obligations under the Human Rights Act, case law provides that judges must understand the potential impact of a custodial sentence on children. To this end, judges must ensure they have sufficient information about the likely consequences of separation of a child from his or her primary carer. This could include hearing from the child, if appropriate. Judges should state how they have taken this information into account in their sentencing remarks.* (Paragraph 49)
6. We know from our evidence that the welfare of dependent children is not always taken into account in sentencing hearings. We have also heard forceful evidence of the damage done to a child when a mother is sent to prison. These messages

are not new. *To shift entrenched practice and protect children's rights to family life, the sentencing framework needs to give greater visibility to the welfare of the child. The welfare of the child must be at the forefront of the judge's mind. The impact of sentencing on children must be a distinct consideration to which full weight must be given by the courts. This duty, which reflects existing case law, should be given statutory force.* (Paragraph 51)

7. It is wholly unacceptable that courts can sentence mothers to immediate imprisonment without ensuring their children are cared for. Being separated by imprisonment is a traumatic experience for children and their mothers; when it happens without warning or preparation the trauma is increased. *Where possible, the court should give advance notice that it is considering a custodial sentence, so that care arrangements can be made. If it does impose a custodial sentence it must be satisfied that there are arrangements in place for the child of the offender, and, if necessary, defer the sentence to allow such arrangements to be made.* (Paragraph 55)

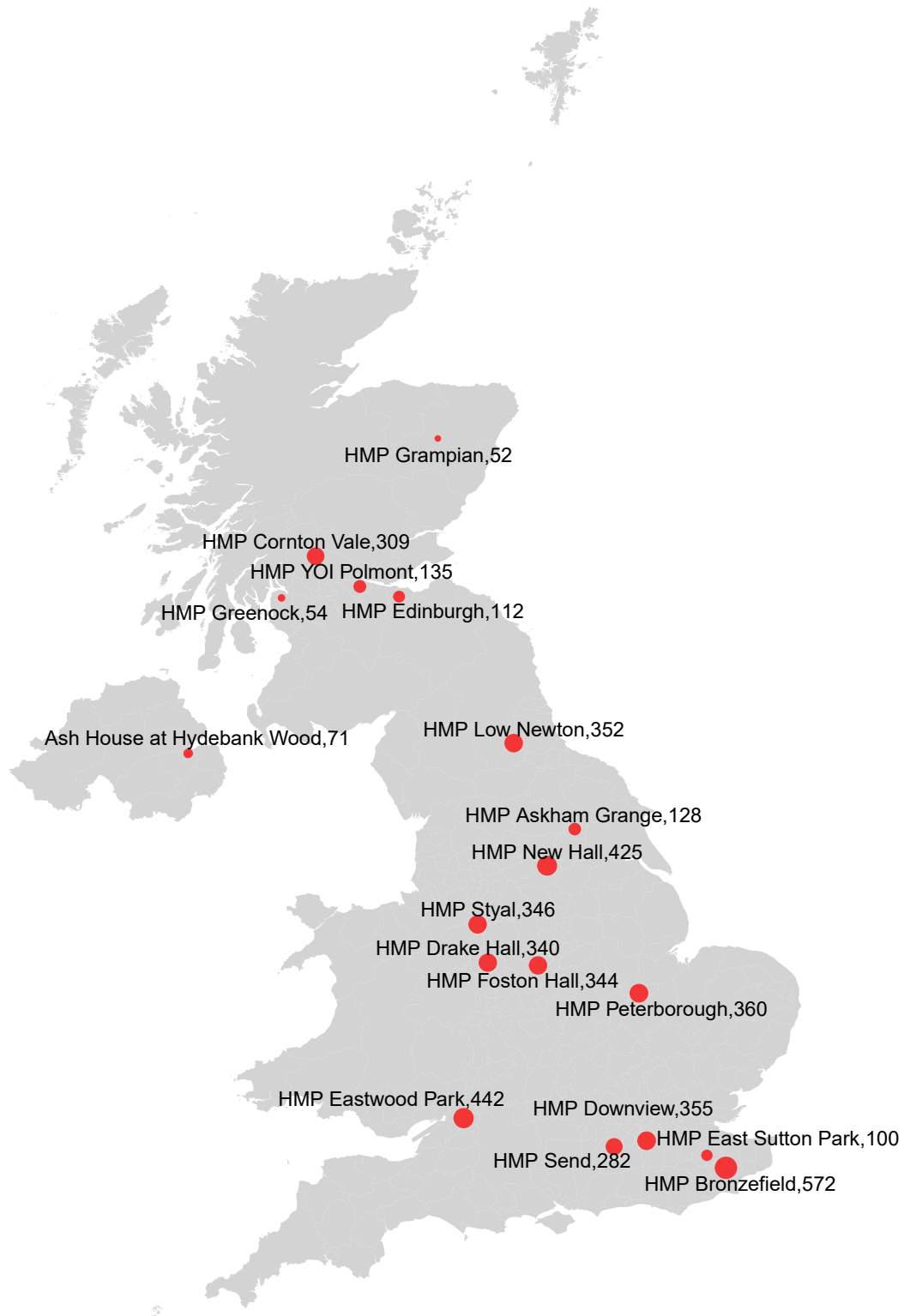
Support for children whose mothers go to prison

8. *It is essential that "Working Together" be amended to make it clear that children of prisoners should be regarded as 'children in need' and should be assessed where appropriate.* (Paragraph 63)
9. *The "Working Together" Guidance should be amended to make it explicit that probation and prison staff are under a duty to inform the relevant local authority children's services whenever they become aware that a prisoner has children.* (Paragraph 65)
10. It is welcome that the Keeping Children Safe in Education guidance published by the DfE in 2018 now includes a reference to children of prisoners and signposts school staff to the National Information Centre on Children of Offenders website. This is an important step forward. *We urge the Department for Education to consider issuing more extensive tailored guidance for schools on how to support children whose mothers are in prison and providing relevant training for teachers and school staff.* (Paragraph 70)
11. *Kinship carers who step in to care for children when their mothers go to prison should be entitled to financial and practical support. This should include an allowance to cover the costs of raising a child.* (Paragraph 73)
12. *Mothers should, wherever possible and practicable, be placed in prisons close to their homes and non-means tested financial help should be made available to allow children to visit their mothers (or primary carers) in prison.* (Paragraph 78)
13. *It is essential that good practice is replicated across the women's prison estate so that all children separated from mothers who are in prison can maintain positive and regular contact with them. We welcome the recommendations in the Farmer Review for Women. The Government must implement them as soon as possible.* (Paragraph 84)
14. *A child's visits to their mother in prison should be premised on their right to respect for family life rather than on a parent's behaviour in prison. Only in the most exceptional circumstances should visits between children and their mothers be restricted.* (Paragraph 88)

Pregnancy and maternity

15. The Women's Policy Framework (WPF) and supporting guidance were issued in December 2018 and require that the needs of pregnant women and women who have given birth are assessed and addressed, and that pre-natal and post-natal care is available in all women's prisons. This is a welcome commitment and we look forward to it being fully implemented across the women's custodial estate. (Paragraph 92)
16. *The evidence we have received about the experiences of these women serve to demonstrate to us that their imprisonment poses a threat to their human rights. The Government's commitments to improving the care of pregnant women and those who give birth in prison are welcome and must be implemented swiftly.* (Paragraph 95)
17. We welcome the Ministry of Justice review of mother and baby units. It should ensure that mothers are not separated from their babies simply because they have been imprisoned. *The process for applying for and allocating places in Mother and Baby Units (MBUs) must be reformed. If a baby is born during the mother's sentence, they should both be discharged from hospital directly to an MBU, other than in exceptional circumstances. When a baby is born shortly before the mother's sentence begins, the sentence should only in exceptional circumstances start before a place is secured in an MBU.* (Paragraph 100)

Annex: Women's prisons in the UK - 2019



Capacities for women inmates are shown after the name of prison.

Sources: HMPS prison finder map; HMPS prison capacity data; Scottish Prison Service Women in Custody factsheet; National Preventative Mechanism report on Ash House.

Declaration of Interests¹

Interests declared:

Lord Brabazon of Tara (joined JCHR on 3 July 2019)

No relevant interests to declare

Lord Dubs (joined JCHR on 3 July 2019)

Former Chair of Liberty

Baroness Hamwee (left JCHR on 3 July 2019)

No relevant interests to declare

Baroness Lawrence of Clarendon (left JCHR on 3 July 2019)

No relevant interests to declare

Baroness Ludford (joined JCHR on 3 July 2019)

No relevant interests to declare

Baroness Massey of Darwen (joined JCHR on 3 July 2019)

No relevant interests to declare

Baroness Nicholson of Winterbourne (left JCHR on 3 July 2019)

No relevant interests to declare

Baroness Prosser (left JCHR on 3 July 2019)

No relevant interests to declare

Lord Singh of Wimbledon (joined JCHR on 3 July 2019)

Director and Faith Adviser, Sikh Chaplaincy Service

Lord Trimble

No relevant interests to declare

Lord Woolf (left JCHR on 3 July 2019)

No relevant interests to declare

¹ A full list of Members' interests can be found in the Register of Lords' Interests: <http://www.parliament.uk/mpslords-and-offices/standards-and-interests/register-of-lords-interests/>

Formal minutes

Wednesday 17 July 2019

Members present:

Ms Harriet Harman MP, in the Chair

Fiona Bruce MP	Lord Brabazon of Tara
Ms Karen Buck MP	Baroness Ludford
Joanna Cherry QC MP	Baroness Massey of Darwen
Jeremy Lefroy MP	Lord Singh of Wimbledon
Scott Mann MP	

Draft Report (*The Right to Family Life: children whose mothers are in prison*), proposed by the Chair, brought up and read.

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 102 read and agreed to.

Summary read and agreed to.

Annex agreed to.

Resolved, That the Report be the Twenty-Second Report of the Committee.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Ordered, That embargoed copies of the report be made available in accordance with the provisions of Standing Order no. 134.

[Adjourned till Wednesday 11 September 2019 at 3.00pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 13 February 2019

Lina and Georgia [Q1–10](#)
Witness A and Witness B [Q11–17](#)

Wednesday 20 February 2019

Dr Jo Easton, Deputy Chief Executive and Director of Policy and Research, Magistrates Association, **Dr Jenny Earle**, Programme Director, Prison Reform Trust, **Dr Shona Minson**, Academic Criminologist, University of Oxford, and **Lord Justice Holroyde**, Chair, Sentencing Council [Q18–26](#)

Wednesday 6 March 2019

Lucy Baldwin, Senior Academic and Researcher, De Montfort University, **Stuart Harrington**, National Information Centre on Children of Offenders, Barnardo's, and **Dr Samantha Callan**, advisor to Lord Farmer [Q27–38](#)

Naomi Delap, Director, Birth Companions, and **Dr Laura Abbott**, Senior Lecturer, Department of Allied Health and Midwifery, University of Hertfordshire [Q39–43](#)

Wednesday 13 March 2019

Edward Argar MP, Parliamentary Under-Secretary of State, Ministry of Justice, **Nadhim Zahawi MP**, Parliamentary Under-Secretary of State, Department for Education [Q44–60](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

CMP numbers are generated by the evidence processing system and so may not be complete.

- 1 Barnardo's CAPO Engagement Service & NICCO ([CMP0020](#))
- 2 Birth Companions ([CMP0019](#))
- 3 Dr Kath McFarlane ([CMP0005](#))
- 4 Dr Natalie Booth ([CMP0016](#))
- 5 Dr Shona Minson ([CMP0010](#))
- 6 Children Heard and Seen ([CMP0018](#))
- 7 Commonweal Housing ([CMP0004](#))
- 8 The Criminal Bar Association ([CMP0009](#))
- 9 Grandparents Plus ([CMP0023](#))
- 10 Lucy Baldwin ([CMP0007](#), [CMP0021](#))
- 11 Magistrates Association ([CMP0013](#))
- 12 Ministry of Justice ([CMP0014](#), [CMP0022](#))
- 13 Ms Rona Epstein ([CMP0003](#))
- 14 Prison Reform Trust ([CMP0011](#))
- 15 The Royal College of Midwives ([CMP0008](#))
- 16 Sentencing Council for England and Wales ([CMP0002](#))
- 17 Sophie F ([CMP0015](#))
- 18 Transform Justice ([CMP0012](#))
- 19 University of Hertfordshire ([CMP0001](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Legislative Scrutiny: The EU (Withdrawal) Bill: A Right by Right Analysis	HC 774 HL 70
Second Report	Proposal for a Draft Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018	HC 645 HL 86
Third Report	Legislative Scrutiny: The Sanctions and Anti-Money Laundering Bill	HC 568 HL 87
Fourth Report	Freedom of Speech in Universities	HC 589 HL 111
Fifth Report	Proposal for a draft British Nationality Act 1981 (Remedial) Order 2018	HC 926 HL 146
Sixth Report	Windrush generation detention	HC 1034 HL 160 (HC 1633)
Seventh Report	The Right to Freedom and Safety: Reform of the Deprivation of Liberty Safeguards	HC 890 HL 161
Eighth Report	Freedom of Speech in Universities: Responses	HC 1279 HL 162
Ninth Report	Legislative Scrutiny: Counter-Terrorism and Border Security Bill	HC 1208 HL 167 (HC 1578)
Tenth Report	Enforcing Human Rights	HC 669 HL 171
Eleventh Report	Second Legislative Scrutiny Report: Counter-Terrorism and Border Security Bill	HC 1616 HL 195 (HC 1827)
Twelfth Report	Legislative Scrutiny: Mental Capacity (Amendment) Bill	HC 1662 HL 208
Thirteenth Report	Proposal for a draft Jobseekers (Back to Work Schemes) Act 2013 (Remedial) Order 2018	HC 1451 HL 209
Fourteenth Report	Draft Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018	HC 1547 HL 227
Fifteenth Report	Proposal for a draft Human Rights Act 1998 (Remedial) Order 2019	HC 1457 HL 228
Sixteenth Report	Immigration Detention	HC 1484 HL 279
Seventeenth Report	Human Rights Protections in International Agreements	HC 1883 HL 310 (HC 2199)

Eighteenth Report	Legislative Scrutiny: Immigration and Social Security Co-ordination (EU Withdrawal) Bill	HC 569 HL 324
Nineteenth Report	Youth detention: solitary confinement and restraint	HC 994 HL 343
Twentieth Report	Good Character Requirements: Draft British Nationality Act 1981 (Remedial) Order 2019 - Second Report	HC 1943 HL 397
Twenty-first Report	Proposal for a draft Fatal Accidents Act 1976 (Remedial) Order 2019	HC 2225 HL 405
First Special Report	Human Rights and Business 2017: Promoting responsibility and ensuring accountability: Government Response to the Committee's Sixth Report of Session 2016–17	HC 686
Second Special Report	Mental Health and Deaths in Prison: Interim Report: Government Response to the Committee's Seventh Report of Session 2016–17	HC 753
Third Special Report	Legislative Scrutiny: Counter-Terrorism and Border Security Bill: Government Response to the Committee's Ninth Report of Session 2017–19	HC 1578
Fourth Special Report	Windrush generation detention: Government Response to the Committee's Sixth Report of Session 2017–19	HC 1633
Fifth Special Report	Second Legislative Scrutiny Report: Counter-Terrorism and Border Security Bill: Government Response to the Committee's Eleventh Report of Session 2017–19	HC 1827
Sixth Special Report	Human Rights Protections in International Agreements: Government Response to the Committee's Seventeenth Report of Session 2017–19	HC 2199
Seventh Special Report	Youth detention: solitary confinement and restraint: Government Response to the Committee's Nineteenth Report of Session 2017–19	HC 2547