



Children of Incarcerated Caregivers

2025 England Prison Nursery Report

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In 1786, Henry Kable Junior was the first known baby to be born in an English prison. He lived with his mother in the now-defunct Norwich Castle Gaol.¹ Today, a handful of prisons in England allow mothers and their young children to reside in prison together. Certain facilities have mother-baby units (MBUs) where children can typically stay from birth to 18-months-old.

Of the countries Children of Incarcerated Caregivers (CIC) has researched thus far, England has the most comprehensive MBU policies.² They prescribe eligibility requirements, the process for considering applications, rules for operating MBUs, steps to challenge application denials, and more. In 2021, the federal corrections agency adopted these new policies for the units. The units and decision-making processes had previously been critiqued by various researchers and NGOs. The reforms made critical changes, like requiring each unit to have a liaison officer to support mothers applying for residence in an MBU. However, a few sources say that what's on paper still isn't being fully practiced³ and barriers to accessing MBUs and inconsistencies in placement decisions persist.⁴

Local NGOs and advocates oppose the expansion of MBUs to other prisons and, more broadly, maternal imprisonment. "The prison system is on its knees, and it can't possibly respond to the health needs of pregnant and postnatal women and their babies," writes Birth Companions, an NGO that provides a range of support and services to UK women through pregnancy, birth, and early motherhood.⁵

As the population of incarcerated women is predicted to drastically rise in the next few years, these NGOs – and even the government – assert that prison should be a "last resort" for

¹ Helen Crewe, "Mothers and Babies in Prison: It's Complicated," *Centre for Crime and Justice Studies*, November 24, 2020, <https://www.crimeandjustice.org.uk/resources/mothers-and-babies-prison-its-complicated>.

² This report examines England and Wales, not the entire United Kingdom. Scotland and Northern Ireland are not included in this report. They operate their own prison systems.

³ Dr. Shona Minson, "The Due Process Void: Centering the Rights of Children and Mothers," 2024 Global Prison Nursery Network Symposium, November 1, 2024, Columbia University, video, 5:32:37, <https://www.youtube.com/watch?v=hXSQZHvjw3U>; Kirsty Kitchen (Head of Policy and Communications, Birth Companions), in interview with the author, May 23, 2024.

⁴ *The Lost Mothers Project: Maternal Separation in English Prisons* (University of Hertfordshire/Birth Companions, 2025), 5, 40, https://lostmothers.org/wp-content/uploads/2025/05/The_Lost_Mothers_Project_FULL_REPORT.pdf.

⁵ Birth Companions, "Birth Companions Welcomes Move to Limit the Use of Prison Custody for Pregnant and Postnatal Women," news release, March 18, 2024, <https://www.birthcompanions.org.uk/articles/birth-companions-welcomes-move-to-limit-the-use-of-prison-custody-for-pregnant-and-postnatal-women>.

pregnant women and women with young children.⁶ The Ministry of Justice's 2018 Female Offender Strategy set priorities to reduce the number of incarcerated women by diverting them from custody and managing more women in the community.⁷ Residential women's centres offer one – albeit limited – alternative for some women and their children. The country's Sentencing Council also approved a new sentencing factor to divert pregnant women – who may otherwise need to utilize a MBU after birth – from a prison sentence.⁸ It's since been stalled.⁹

I. Women and Mothers in Prison

England and Wales have the highest rate of incarceration in all of Western Europe.¹⁰ They incarcerated more than 86,000 people in 2024, including roughly 3,500 women (4 percent of the total prison population) on any given day.¹¹ The UK's Ministry of Justice predicted that the number of women in prison would increase to 4,500 by 2026 due to hiring more police officers.¹² Additionally, the Ministry of Justice committed \$200 million to add more spaces for women in prisons, in opposition to its own strategy to reduce the prison population.¹³

Twelve prisons house women in England.¹⁴ There are no women's prisons in Wales; women who live in Wales and are sentenced to custody are transported to England.¹⁵ The prisons are operated by the Ministry of Justice's HM Prison Service.¹⁶

⁶ *Review of Operational Policy on Pregnancy, Mother and Baby Units and Maternal Separation* (Ministry of Justice, July 2020): 15,

<https://www.gov.uk/government/publications/review-of-operational-policy-on-pregnancy-mother-and-baby-units-and-maternal-separation>.

⁷ *Female Offender Strategy* (Ministry of Justice, June 2018): 3,

<https://assets.publishing.service.gov.uk/media/5b3349c4e5274a55d7a54abe/female-offender-strategy.pdf>.

⁸ Birth Companions, "Birth Companions Welcomes Move to Limit the Use of Prison Custody."

⁹ Jessica Elgot, "Sentencing Council Suspends Plans for New Guidelines Amid 'Two-Tier' Justice Row," *The Guardian*, March 31, 2025,

<https://www.theguardian.com/law/2025/mar/31/sentencing-council-expected-to-suspend-plans-for-new-guidelines>

¹⁰ *Prison: The Facts* (Prison Reform Trust, Summer 2023): 2,

https://prisonreformtrust.org.uk/wp-content/uploads/2023/06/prison_the_facts_2023.pdf.

¹¹ "UK: England & Wales," World Prison Brief, accessed January 6, 2024,

<https://www.prisonstudies.org/country/united-kingdom-england-wales>.

¹² *Women in Prison: First Report of Session 2022-23* (House of Commons Justice Committee, July 19, 2022), 5,

<https://committees.parliament.uk/publications/23269/documents/169738/default/>.

¹³ *Improving Outcomes for Women in the Criminal Justice System: Fifty-First Report of Session 2021-22* (House of Commons Committee of Public Accounts, April 28, 2022), 3,

<https://committees.parliament.uk/publications/22032/documents/164507/default/>.

¹⁴ *Women in Prison: First Report of Session 2022-23* (House of Commons), 52.

¹⁵ *Why Focus on Reducing Women's Imprisonment: Wales Fact Sheet* (Prison Reform Trust, August 2019): 3,

https://prisonreformtrust.org.uk/wp-content/uploads/old_files/Documents/Women/Why%20Women%20Wales%202018%20data%20.pdf.

¹⁶ "HM Prison Service," GOV.UK, accessed March 1, 2025,

<https://www.gov.uk/government/organisations/hm-prison-service>.

Many incarcerated people are parents. Women are far more likely to be the primary caregiver of children.¹⁷ Over half the women (52 percent) surveyed between May 2021 and November 2021 had dependent children,¹⁸ and an estimated 17,000 children may be impacted by maternal incarceration every year in England and Wales.¹⁹ Only 5 percent of children remain living in their home when their mother is imprisoned. The rest either enter the foster care or adoption systems or are cared for by family members.²⁰ Few live in prison with their mothers. Additionally, 215 pregnant women were in prison and 53 births occurred in custody between April 2023 and March 2024.²¹

II. UK Laws & Policies

England and Wales ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1992. The UNCRC promotes the best interest of children and enshrines the child's right to not be separated from their parents, including those who are incarcerated.²² It also asserts that separating a baby from their mother has the potential to violate a child's right to health²³ and right to development.²⁴ Researcher Dr. Shona Minson says the country may be in breach of its duties under Article 2 of the UNCRC because “children of defendants are treated without the concern given to children who face separation from their parents in the family courts.”²⁵ She found that children whose mothers are incarcerated aren't often represented or acknowledged in criminal court proceedings.²⁶

England is also a signatory to the Bangkok Rules on Women Offenders and Prisoners, a set of standards that recommends prison as the last resort for mothers of dependent children. Furthermore, the country is a member of the Council of Europe (CoE), which, in 2018, adopted

¹⁷ Lord Farmer, *The Importance of Strengthening Female Offenders' Family and Other Relationships to Prevent Reoffending and Reduce Intergenerational Crime* (Ministry of Justice, June 2019), 7, <https://www.gov.uk/government/publications/farmer-review-for-women>.

¹⁸ *Focus on Women's Prisons* (HM Inspectorate of Prisons, February 2022), 6, <https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2022/02/Womens-briefing-paper.pdf>.

¹⁹ Isabelle Trowler, *Applications to Mother and Baby Units in Prison: How Decisions are Made and the Role of Social Work* (Department for Education, November 2022), 14, <https://www.gov.uk/government/publications/applications-to-mother-and-baby-units-in-prison-how-decisions-are-made-and-the-role-of-social-work>.

²⁰ Frankie McCamley, “Jailed Mothers: The ‘Terrible Damage’ to Children,” *BBC News*, June 17, 2019, <https://www.bbc.com/news/uk-48663833>.

²¹ HMPPS Annual Digest 2023/24 (Ministry of Justice, July 25, 2024): 9, https://assets.publishing.service.gov.uk/media/67582965d8ec18542851785b/HMPPS_Annual_Digest_2023-24_Revised_06122024.pdf.

²² Convention on the Rights of the Child Art. 3, Nov. 20, 1989, 1577 U.N.T.S. 3.

²³ Convention on the Rights of the Child Art. 24, Nov. 20, 1989, 1577 U.N.T.S. 3.

²⁴ Convention on the Rights of the Child Art. 6, Nov. 20, 1989, 1577 U.N.T.S. 3.

²⁵ Shona Minson, “Direct Harms and Social Consequences: An Analysis of the Impact of Maternal Imprisonment on Dependent Children in England and Wales,” *Criminology & Criminal Justice* 19, no. 5 (2018): 520-521, <https://doi.org/10.1177/1748895818794790>.

²⁶ Minson, “An Analysis of the Impact of Maternal Imprisonment on Dependent Children in England and Wales,” 2.

recommendations concerning children living with their imprisoned parents.²⁷ It affirms that these children should not be treated as prisoners and that “children with imprisoned parents are entitled to the same rights as all children.”²⁸ Additionally, the CoE asserts that prison facilities that house children must be child-friendly and that the best interests and safety of kids are a primary consideration.²⁹

Domestically, England provides legislative protections for the rights of children via the Children Act of 1989, one of the country’s primary child welfare laws. The Children’s Act asserts that a child’s welfare should be the top consideration when the court is considering a question about their upbringing, and that children are best looked after by their family unless intervention in family life is necessary.³⁰ The Children’s Act doesn’t explicitly reference children of incarcerated parents; however, it provides guidance on the definition of “best interest of the child” to the admissions board that reviews applications to mother-baby units.³¹

III. Mother-Baby Units

Today, six women’s prisons in England allow children to live with their mothers in mother-baby units: Bronzefield, Eastwood Park, Styal, New Hall, Peterborough, and Askham Grange.³² The MBUs have a total of 64 spaces for mothers and 70 spaces for babies.³³ In March 2023, 51 women and 44 babies lived in MBUs.³⁴ The MBUs are staffed by prison officers and qualified nursery professionals,³⁵ though researchers have found their training is lacking.³⁶

²⁷ *Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States Concerning Children with Imprisoned Parents* (Council of Europe, 2018): 16-17, <https://edoc.coe.int/en/children-s-rights/7802-recommendation-cmrec20185-of-the-committee-of-ministers-to-member-states-concerning-children-with-imprisoned-parents.html>.

²⁸ *Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States*, 16.

²⁹ *Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States*, 16.

³⁰ David Foster, *An Overview of Child Protection Legislation in England* (House of Commons Library, UK Parliament, May 3, 2024), 4, <https://researchbriefings.files.parliament.uk/documents/SN06787/SN06787.pdf>; *The Children Act 1989 Guidance and Regulations: Volume 2* (Department of Education, July 2021), https://assets.publishing.service.gov.uk/media/60e6fb43d3bf7f56896127e5/The_Children_Act_1989_guidance_and_regulations_Volume_2_care_planning_placement_and_case_review.pdf.

³¹ *A Review of Applications to Mother and Baby Units in Prisons* (What Works for Children’s Social Care, November 2022), 5, <https://whatworks-csc.org.uk/research-report/a-review-of-applications-to-mother-and-baby-units-in-prisons>.

³² “Pregnancy and Childcare in Prison,” Prison Life, GOV.UK, accessed January 22, 2025, <https://www.gov.uk/life-in-prison/pregnancy-and-childcare-in-prison>.

³³ *Policy: Pregnancy, Mother and Baby Units (MBUs) and Maternal Separation from Children up to the Age of Two in Women’s Prisons* (HM Prison & Probation Service, May 17, 2023): 25, <https://www.gov.uk/government/publications/pregnancy-mbus-and-maternal-separation-in-womens-prisons-policy-framework>; *HM Prison and Probation Service Offender Equalities Annual Report 2022/23* (Ministry of Justice, November 30, 2023), 11, https://assets.publishing.service.gov.uk/media/65d720932197b201e57fa6fe/HMPPS_Offender_Equalities_2022-23_Report.pdf.

³⁴ *Annual Report 2022/23*, 40.

³⁵ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 26.

³⁶ *The Lost Mothers Project*, 5, 36.

	April 2021 to March 2022 ⁴⁵	April 2022 to March 2023 ⁴⁶	April 2023 to March 2024 ⁴⁷
Applications received⁴⁸	88	78	92
Approved⁴⁹	43	40	54
Denied	17	15	14
Received in MBU	39 women, 40 babies	51 women, 44 babies	55 women, 50 babies

Mothers are responsible for caring for their child(ren) in the MBUs.³⁷ Basic items like cots, diapers and toys are provided by the facility.³⁸ Moms must purchase other items, like food, using their own money.³⁹ Women who are experiencing financial hardship and

cannot access public benefits must be provided goods to meet the baby's basic needs, like formula, clothing, bottles, diapers and baby food.⁴⁰

When mothers are working, at school or engaged in rehabilitative programs, there is a nursery with qualified staff who care for the kids.⁴¹ Prisons also provide pediatric healthcare and opportunities for mothers to develop parenting skills and activities to bond with their babies.⁴² Babies must be able to visit with other family members and leave the prison to visit the local community, including parks and farms.⁴³ For mothers not enrolled in the MBUs, some prisons also allow women to have overnight visits with their children.⁴⁴

IV. Eligibility & Process

Women must apply to live in a mother-baby unit with her child(ren).⁵⁰ She may apply if she is pregnant or has a child under 18 months.⁵¹ Children may stay longer, if approved on a

³⁷ Trowler, *Applications to Mother and Baby Units in Prison*, 15.

³⁸ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 39.

³⁹ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 41.

⁴⁰ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 42.

⁴¹ Trowler, *Applications to Mother and Baby Units in Prison*, 15.

⁴² *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 42.

⁴³ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 42.

⁴⁴ *Women in Prison: First Report of Session 2022-23* (House of Commons), 36.

⁴⁵ HMPPS Annual Digest 2021/22 (Ministry of Justice, July 28, 2022): 33, <https://assets.publishing.service.gov.uk/media/63a48854d3bf7f3763457f78/HMPPS-annual-digest-2021-22.pdf>.

⁴⁶ HMPPS Annual Digest 2022/23 (Ministry of Justice, July 27, 2023): 31, https://assets.publishing.service.gov.uk/media/651d3a76bef21800156ded1a/HMPPS-annual-digest-2022-23_FINAL_1_RevisedSept23.pdf.

⁴⁷ HMPPS Annual Digest 2023/24 (Ministry of Justice).

⁴⁸ Multiple applications may be submitted by the same person, and applications received in one year may be approved or refused in the following year (HMPPS Annual Digest 2023/24, 31-32).

⁴⁹ *HM Prison and Probation Service Offender Equalities Annual Report 2022/23*, 11.

⁵⁰ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 25.

⁵¹ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 3.

case-by-case basis, if it's in the best interest of the child, and/or the mother will be released soon. Women may live in the MBUs while pretrial (on remand) or post-sentencing.⁵² Acceptance into an MBU is said to not be based upon one's length or type of sentence, though risks relating to the offense or remand status are considered. Women with long sentences must not be excluded from applying, however, the impact of removing a child and sending them back to the community without their mother must be considered.⁵³ When there is limited room, women with children in the community must be prioritized over women who are pregnant.⁵⁴ The number of MBU applications received has steadily declined over the last decade as the overall prison population has decreased.⁵⁵

First, she submits an application to an MBU admissions board. The board – which includes an independent chair, the MBU manager, and a community offender manager – reviews the applications and receives input from Children's Services and any other desired experts. Then, the board gives recommendations to the prison governors/directors who make the final decisions.

The best interest of the child is the primary – but not only – consideration for the Board, as well as the “necessity to maintain good order and self-discipline within the prison” and the health and safety of other children and women living in an MBU.⁵⁶ The operational guidance provided to prison staff to implement the MBU policy framework defines “best interest of the child” as “nurturing a child's happiness, emotional and physical development, and security.”⁵⁷

Researchers of The Lost Mothers Project – a collaborative, first-of-its-kind research report on maternal separation in English prisons – attended five board meetings and observed that women's engagement with prison staff and maternity services was “a decisive factor” in decisions to recommend placement in an MBU.⁵⁸ Those who showed progress and a desire to change were more likely to be recommended too. The project's authors explain that the board's heightened interest in seeing women engaged with the MBU decision-making process fails to consider the “trauma, struggles, and stress” women experience while navigating the system.

Children's Services, the UK's youth welfare agency, plays a critical role in the approval process. Local authorities must be consulted.⁵⁹ Their social workers serve as representatives for children and conduct assessments for the boards to consider.⁶⁰ However, independent research

⁵² *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 28.

⁵³ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 36.

⁵⁴ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 38.

⁵⁵ *HM Prison and Probation Service Offender Equalities Annual Report 2022/23*, 2.

⁵⁶ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 25.

⁵⁷ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 55.

⁵⁸ *The Lost Mothers Project*, 38.

⁵⁹ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 27.

⁶⁰ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 26.

and a government review found their involvement and input to be inconsistent and even non-existent at times (see *Limitations*).

Throughout the application process, women should be able to consult with a Pregnancy and Mother and Baby Liaison Officer, prison employees who were recently required to work in every MBU.⁶¹ They can help mothers fill out their application forms and offer emotional support. Family members, peers, legal representatives, and advocates can attend board meetings as a “McKenzie Friend,” individuals who provide moral support and give advice to people engaged with the criminal legal system.⁶² However because it’s an administrative process and not a legal proceeding, applicants are not entitled to a lawyer. Shona Minson says that this creates a “due process void.”⁶³

After a mother is approved, a “care plan” will be made for her child within the first four weeks. The plan “promotes their individual emotional, physical and educational development needs and records, and resettlement planning.”⁶⁴ Their placement is reviewed every eight weeks.⁶⁵ In these meetings, prison representatives consider the mother’s childcare plan, assess the child’s development and response to the prison environment, and address any concerns.⁶⁶

V. Limitations

While MBUs can provide a critical opportunity for connection for moms and their babies, over the years, academics, government departments and NGOs have identified various limitations.

Past studies described challenges like long, complex and bureaucratic application processes; placement decisions being made late in pregnancies; and mothers’ lack of awareness of the application process and timeline.⁶⁷ In 2021, the MOJ updated its MBU policies. Birth Companions published a “birth charter” in 2016 that included policy recommendations for women with babies in prison.⁶⁸ The principles were incorporated into the new MOJ policy framework. However, Kirsty Kitchen, Head of Policy and Communications for Birth

⁶¹ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 29.

⁶² Trowler, *Applications to Mother and Baby Units in Prison*, 18.

⁶³ Minson, “The Due Process Void.”

⁶⁴ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 55.

⁶⁵ Trowler, *Applications to Mother and Baby Units in Prison*, 15.

⁶⁶ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 45.

⁶⁷ Sinead O’Malley, Lucy Baldwin, and Laura Abbott, “Starting Life in Prison,” in *Parental Imprisonment and Children’s Rights*, ed. Fiona Donson and Aisling Parkes (Routledge, 2021), 100.

⁶⁸ *Birth Charter for Women in Prisons in England and Wales* (Birth Companions, 2016), 1, https://hubble-live-assets.s3.amazonaws.com/birth-companions/attachment/file/245/Birth_Companions_Charter_Online.pdf.

Companions, said they have fallen short in implementation. “What’s written down in policy is good, it’s just not delivered on the ground,” she told CIC.⁶⁹

Recent research found delays in convening board meetings continue, and women report feeling invisible and undervalued in the decision-making process.⁷⁰ They’ve also identified a lack of diversity on MBU boards, raising concerns about potential cultural and racial bias in decision-making.⁷¹ There have also been persistent concerns about the contributions of social workers in the process of considering MBU applications. “In principle, social workers should absolutely be playing this kind of role, but the way that they play it at the moment is completely inconsistent, and leads to a lot of injustice,” Kitchen told CIC.⁷² A 2015 study found that the professional with the most weight in the approval process was the social worker, who sometimes wouldn’t attend the board decision or may have never met the mother or been to the MBU.⁷³

Years later, a 2022 case review by the country’s chief social worker again found inconsistent input from social workers in certain rejected cases. “We found that for around a third of rejected applications, there were aspects of the decision-making process which could be improved,” wrote Isabelle Trowler, chief social worker for Children and Families.⁷⁴ Social workers are not required to attend the board hearings, so in some cases they didn’t attend or provide written evidence or reports with important information.⁷⁵ Kitchen added that most children’s welfare social workers aren’t trained in criminal justice issues and lack an understanding of how MBUs operate.⁷⁶ This leads to risk-averse attitudes and poor recommendations.

Ultimately, Trowler issued a handful of policy recommendations, including the need for “periodic oversight” of board decisions, methods to monitor the quality of the process, and a review of board decisions to check for consistency.⁷⁷ It appears these issues persist though. The Lost Mothers Project – which was published in 2025 – observed that some board members were disappointed that social workers didn’t attend and instead sent a report to be read aloud.⁷⁸ “In some cases, it was clear that the social worker had never met the woman they were working with

⁶⁹ Kitchen interview.

⁷⁰ *The Lost Mothers Project*, 41.

⁷¹ *The Lost Mothers Project*, 36.

⁷² Kitchen interview.

⁷³ Maya Sikand, *Lost Spaces: Is the Current Procedure for Women Prisoners to Gain a Place in a Prison Mothers and Baby Unit Fair and Accessible* (The Griffins Society, May 2015), 30, 36, https://hubble-live-assets.s3.eu-west-1.amazonaws.com/birth-companions/file_asset/file/9/Lost_Spaces.pdf.

⁷⁴ Isabelle Trowler, “Prison Based Mother and Baby Units: A Case Review of Social Work Decision Making,” news release, *What Works for Children’s Social Care*, November 24, 2022, <https://whatworks-csc.org.uk/blog/prison-based-mother-and-baby-units-a-case-review-of-social-work-decision-making/>.

⁷⁵ Trowler, “Prison Based Mother and Baby Units: A Case Review of Social Work Decision Making.”

⁷⁶ Kitchen interview.

⁷⁷ Trowler, *Applications to Mother and Baby Units in Prison*, 38.

⁷⁸ *The Lost Mothers Project*, 38.

in person or had only had one interaction with the woman (either in person or online) before writing their report,” they wrote. “This led to frustration among board members who stressed the importance of their input in making well-informed decisions, while women themselves felt overlooked and unheard in a process that profoundly impacted their lives.”

The Lost Mothers Project also exposed other issues with board considerations that confirmed problems described by impacted mothers. The team observed a board meeting where a woman’s past relationship with the child’s father, in which domestic abuse occurred, was repeatedly discussed, even though they were no longer together. “This only emphasized the barrier fathers’ involvement can have on securing a place on an MBU, but also signified a lack of understanding towards women who have experienced domestic abuse,” the report says. Another woman reported that she separated from her baby’s father so he would not be included in the assessment.⁷⁹

A few organizations have challenged the age restriction for kids too, which precludes many mothers from participating. They describe the maximum age cutoffs as arbitrary, and instead endorse a case-by-case assessment.⁸⁰ The Ministry of Justice wants to maintain this upper age limit with certain exceptions.⁸¹

There are also serious accessibility issues for mothers or soon-to-be mothers whose families live far from the facilities, especially Welsh women who are placed in English prisons. “The low number and geographic location of MBUs mean that most new mothers and pregnant women are imprisoned at a significant distance from their other children, family and support networks, at a time when they need them most,” wrote Jenny Talbot, chair of the National Women’s Prisons Health and Social Review, and Charlotte Winter, programme manager at NHS England and NHS Improvement, in written evidence to the House of Commons Justice Committee.⁸²

VI. Separation

Separation of a mother and her baby can occur at different points in the legal process, often harming both. The prison service doesn’t collect data on the number of mother-child separations due to incarceration.⁸³

⁷⁹ *The Lost Mothers Project*, 38.

⁸⁰ *Position Statement: Perinatal Women in the Criminal Justice System* (The Royal College of Midwives, November 2019),

[6https://rcm.org.uk/wp-content/uploads/2024/03/rcm-position-statement-perinatal-women-in-the-criminal-justice-system.pdf](https://rcm.org.uk/wp-content/uploads/2024/03/rcm-position-statement-perinatal-women-in-the-criminal-justice-system.pdf); *Review of Operational Policy on Pregnancy, Mother and Baby Units and Maternal Separation*, 16.

⁸¹ *Review of Operational Policy on Pregnancy, Mother and Baby Units and Maternal Separation*, 16-17.

⁸² *Women in Prison: First Report of Session 2022-23* (House of Commons), 53.

⁸³ *The Lost Mothers Project*, 7.

They may be separated when the mother enters prison because no community alternatives have been considered or aren't available or if they are denied entry into an MBU. When babies are separated, they may be placed with family, in foster care or adopted. Mothers may also be separated if the child ages out of the MBU before the end of the mother's sentence or if they are removed for other reasons. A separation plan should be created in these situations, according to policy.⁸⁴ Additionally, staff should seek to "facilitate the best prospect of successful resettlement of the mother and child in the community."⁸⁵

The consequences of this separation can be traumatic.⁸⁶ "Our findings reveal the deep, emotional toll, and the profound, visceral pain brought about by the compulsory separation of mother and babies in prison," writes the Lost Mothers Project.⁸⁷ Mothers described "overwhelming feelings of loss, guilt and helplessness" and isolation.

VII. Community Alternatives & Other Policies

Mother-baby units are only one way to prevent maternal separation. Recent sentencing changes, greater use of leave policies, and residential centers in the community offer other alternatives to parental separation. A number of non-government organizations support such programs and policies.

"Our position, and the position of many others, is: stop using a flawed system as a response to criminal justice contact. You can improve a system up to a certain point, but it's never going to be the right system. You actually need to invest in alternatives in the community," Kitchen, of Birth Companions, said.⁸⁸

In its latest Female Offender Strategy, published in 2018, the Ministry of Justice describes its commitment to a "new programme of work" for women who are engaged with the criminal legal system.⁸⁹ It names three priorities, including a shift from custodial to community sentences, like electronic monitoring, home detention curfew, and drug and mental health treatment programs.⁹⁰

⁸⁴ GOV.UK, "Pregnancy and Childcare in Prison," ; *Mother and Baby Units (MBUs): Easy Read Self Help Toolkit* (Prisoners' Advice Service, October 2017), 26,

<https://www.prisonersadvice.org.uk/wp-content/uploads/2017/10/Mother-and-Baby-Units-Easy-read.pdf>.

⁸⁵ *Policy: Pregnancy, Mother and Baby Units (MBUs)*, 27.

⁸⁶ *The Lost Mothers Project*, 9.

⁸⁷ *The Lost Mothers Project*, 9.

⁸⁸ Kitchen interview.

⁸⁹ *Female Offender Strategy*, 3.

⁹⁰ *Female Offender Strategy*, 6-7.

“Many female offenders could be more successfully supported in the community, where reoffending outcomes are better. Community orders also offer the opportunity to support female offenders to engage in employment, and secure stable accommodation. They can be used effectively to address other underlying causes of offending, such as substance misuse problems.”⁹¹

Yet their use has drastically declined in the last decade (2010 to 2020). The number of women given a community sentence declined 70 percent from 31,180 to 9,312.⁹² The ministry has faced criticism for slow progress in implementing its strategy, including a lack of investment in community services.⁹³

- A. Sentencing Guidelines – Sentencing practices in which judges weigh the impact of incarceration on a defendant’s child(ren) can reduce or eliminate custodial sentences and the likely separation of mothers and caregivers. For years, sentencing guidelines have included a mitigating factor for sole or primary carers for dependent relatives.⁹⁴ It directs courts to avoid imprisonment for caregivers on the “cusp of custody,” “where there would be an impact on dependents which would make a custodial sentence disproportionate to achieving the aims of sentencing.”⁹⁵ For those who are being sentenced to custody, courts should consider the impact of the length of a sentence and whether the sentence should be suspended.⁹⁶ If imposing a community sentence, courts should also weigh the impact of the requirements on the person’s dependents.⁹⁷

In 2024, the Sentencing Council for England and Wales – an independent government body – updated its guidelines to add pregnancy, birth and the postnatal period as a specific mitigating factor for courts to consider at sentencing.⁹⁸ Judges would be required to consider and address the following when issuing a custodial or community sentence for a person who is pregnant or postpartum: their medical needs including mental health, the effect the sentence may have on their physical and mental health, and potential effects

⁹¹ *Female Offender Strategy*, 6.

⁹² *Women in Prison: First Report of Session 2022-23* (House of Commons), 24.

⁹³ *Improving Outcomes for Women in the Criminal Justice System* (House of Commons), 10; *Why Focus on Reducing Women’s imprisonment?* (Prison Reform Trust, August 2022), 3, <https://prisonreformtrust.org.uk/wp-content/uploads/2022/08/Why-women-2022-briefing.pdf>.

⁹⁴ “General Guideline: Overarching Principles,” Sentencing Council, accessed May 7, 2025, <https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/general-guideline-overarching-principles/>.

⁹⁵ “General Guideline,” Sentencing Council.

⁹⁶ “General Guideline,” Sentencing Council.

⁹⁷ “General Guideline,” Sentencing Council.

⁹⁸ *Miscellaneous Amendments to Sentencing Guidelines: Response to Consultation* (Sentencing Council, March 2024): 46,

<https://www.sentencingcouncil.org.uk/wp-content/uploads/Miscellaneous-amendments-2023-24-Consultation-Response-website.pdf>.

on the child.⁹⁹ The Council cited the National Health Services' classification that all pregnancies in prison are high risk.¹⁰⁰ This change was celebrated by Birth Companions, yet its leaders continue to push for a full prohibition on imprisoning pregnant women and new moms.¹⁰¹ In April 2025, just before it was due to go into effect, the Sentencing Council suspended the new guidelines – which also required presentencing reports to include information about a defendant's ethnicity and race.¹⁰² Ministry of Justice Secretary Shabana Mahmood claimed these changes would create a “two-tier” justice system and publicly opposed their implementation.¹⁰³ She introduced a bill in parliament to override the guidelines and ordered a review of the council. Their future is unclear.

- B. Leave policies – For women who are sentenced to custody, leave policies are another option to unite families and support effective rehabilitation.¹⁰⁴ The UK's Release on Temporary License (ROTL) allows certain individuals to temporarily leave prison during their sentence.¹⁰⁵ A policy called “resettlement release” generally allows incarcerated people to be released to work, attend school, and/or establish bonds with their family.¹⁰⁶ Child Resettlement Leave (CRL) specifically allows caregivers of children under the age of 18 to leave prison and return home no more than once per week, including a monthly overnight release of up to four days.¹⁰⁷ In 2019, Farmer recommended: “ROTL could be used far more frequently, creatively and ambitiously to help women fulfill their caring responsibilities and aid resettlement.”¹⁰⁸
- C. Community Alternative – Instead of custody, few women can be sentenced to live in residential women's centers in the community. These facilities typically house women who are sentenced for low-level crimes and were given a non-custodial sentence, and some allow children to live with their caretaker. They typically provide holistic support and services, like therapy, addiction counseling, parenting programs and more.¹⁰⁹ Their ethos is about rehabilitation, reducing future offenses, and building relationships.¹¹⁰

⁹⁹ *Miscellaneous Amendments to Sentencing Guidelines*, 46.

¹⁰⁰ *Miscellaneous Amendments to Sentencing Guidelines*, 46.

¹⁰¹ Birth Companions, “Birth Companions Welcomes Move to Limit the Use of Prison Custody.”

¹⁰² Elgot, “Sentencing Council Suspends Plan.”

¹⁰³ Elgot, “Sentencing Council Suspends Plan.”

¹⁰⁴ *Women in Prison: First Report of Session 2022-23* (House of Commons), 23.

¹⁰⁵ *Release on Temporary Licence (ROTL) Policy Framework* (Ministry of Justice HM Prison & Probation Service, October 3, 2022),

<https://assets.publishing.service.gov.uk/media/63650199e90e07345d89b09b/release-on-temporary-licence-policy-framework.pdf>.

¹⁰⁶ *Release on Temporary Licence (ROTL) Policy Framework*, 11-12.

¹⁰⁷ *Release on Temporary Licence (ROTL) Policy Framework*, 16.

¹⁰⁸ Farmer, *The Importance of Strengthening Female Offenders' Family and Other Relationships*, 91.

¹⁰⁹ “Residential Women's Centres,” HM Prison and Probation Service, August 23, 2022,

<https://www.gov.uk/guidance/residential-womens-centres>.

¹¹⁰ Farmer, *The Importance of Strengthening Female Offenders' Family and Other Relationships*, 59; HM Prison and Probation Service, “Residential Women's Centres.”

Existing centers are run by nonprofits, but the government plans to pilot a few in the coming years.¹¹¹

There are a handful of nonprofit residential centers currently operating, including Trevi's Jasmine Mother's Recovery¹¹² and One Small Thing's Hope Street hub,¹¹³ which allow justice-involved mothers and their children to reside with them. Services, eligibility, and admittance processes differ from facility to facility. Jasmine Mother's Recovery is the only residential drug and alcohol rehabilitation center exclusively for mothers and their children.¹¹⁴ It provides family apartments, therapy, a nursery, and more. Jasmine Mother's Recovery can accommodate 12 women and their children. It also admits pregnant women. "It is both a home and a safe place; where mothers and children remain together as a family unit while substance misuse and related issues are addressed."¹¹⁵ Mel, a mother who resided at Trevi, said: "[It] has been completely different to prison... Here, I have got my son with me. I've got a life. I've got life to look forward to."

Hope Street is another residential community being pioneered by a charity in Southampton. Built in 2022, it offers temporary apartments, programming, and therapy for women and their children, diverting those who are in contact with the criminal legal system from prison. Up to 24 women can serve their community sentences there. Women with short custodial sentences, on remand, completing community service, or released to homelessness may live there.¹¹⁶

In the coming years, the Ministry of Justice plans to open residential women's centers at five sites across England and Wales.¹¹⁷ Probation Services will operate the centers.¹¹⁸

"The intention of purpose-built Government Residential Women's Centres is that they will allow women to take care of the children in a safe, trauma-informed environment and address the root causes of their offending behaviour in a holistic way. As they are yet to be built, it remains to be seen whether Residential

¹¹¹ "Residential Women's Centres," HM Prison and Probation Service.

¹¹² "Trevi Offers an Alternative to Prison for Pregnant Women," Trevi, accessed January 14, 2025, <https://trevi.org.uk/trevi-offers-an-alternative-to-prison-for-pregnant-women/>.

¹¹³ *Hope Street* (One Small Thing, n.d.), <https://static1.squarespace.com/static/5b2920c1a9e028ee9c2eb7b5/t/65d603b8c8ab1b320b33eaf8/1708524473953/Hope%2BStreet%2BBrochure+Updateopen23compressed.pdf>.

¹¹⁴ Trevi, "Trevi Offers an Alternative to Prison for Pregnant Women."

¹¹⁵ Farmer, *The Importance of Strengthening Female Offenders' Family and Other Relationships*, 63.

¹¹⁶ Hope Street: Frequently Asked Questions (Hope Street, n.d.), <https://static1.squarespace.com/static/5b2920c1a9e028ee9c2eb7b5/t/64d0e15d91851131bb755ce8/1691410781686/Hope%2BStreet%2BFAQs%2Bupdated3.pdf>.

¹¹⁷ "Residential Women's Centres," HM Prison and Probation Service.

¹¹⁸ "Residential Women's Centres," HM Prison and Probation Service.

Women's Centres will fulfill this ambition, but should be closely monitored and evaluated to examine progress.”¹¹⁹

The first was slated to open in Swansea, Wales in 2024¹²⁰ – where there are no women's prisons – however it is not yet open. Each year, the 12-bed residence will house 50 women from the Swansea area who have committed a low-level offense and are given a community sentence and supervised by a probation officer. They will stay for up to 12 weeks at a time. Women will be able to leave during the day and will be required to stay overnight. There will also be a “strict drugs, alcohol and anti-social behaviour policy.” The ministry is considering how to accommodate children, but it says they will eventually be admitted on a case-by-case basis.¹²¹

The development of the Swansea center has been slow,¹²² and the centers have been met with criticism from NGO leaders.¹²³ Dr. Kate Paradine, chief executive of Women in Prison, stated there are many unanswered questions about how they will operate.¹²⁴ Others fear that women who would've received a non-custodial sentence would instead be required to stay at a centre – a greater restriction.¹²⁵ They've also expressed concerns that women may be separated from their children if they can't be accommodated, and that women's existing housing and employment may be disrupted.

¹¹⁹ *Written Evidence from Agenda, The Alliance for Women and Girls at Risk* (Agenda, n.d.), 7, https://www.agendaalliance.org/documents/35/Agenda_submission_to_the_Justice_Select_Committee_inquiry_into_Women_in_Prison.pdf.

¹²⁰ “Location of First Ground-breaking Residential Women's Centre Revealed,” news release (Ministry of Justice, HM Prison and Probation Service, The Rt Hon Victoria Atkins MP, May 20, 2022), <https://www.gov.uk/government/news/location-of-first-ground-breaking-residential-women-s-centre-revealed>.

¹²¹ “Frequently Asked Questions - Residential Women's Centre” (Ministry of Justice, February 2023): 3, https://assets.publishing.service.gov.uk/media/6400c795e90e0740d987d90a/Residential_Women_s_Centre_Frequently_Asked_Questions_information_document_Updated_February_2023_English__1_.pdf.

¹²² *Women in Prison: First Report of Session 2022-23* (House of Commons), 3.

¹²³ *Women in Prison: First Report of Session 2022-23* (House of Commons), 30-31.

¹²⁴ “WIP Responds to the Residential Women's Centre Pilot,” news release, Women in Prison, accessed February 1, 2025, <https://womeninprison.org.uk/news/wip-responds-to-the-residential-womens-centre-pilot>.

¹²⁵ Farmer, 63.

Appendix 1

Askham Grange Prison and Young Offender Institution¹²⁶ (Askham Richard)	Houses up to 100 women who live in “open” conditions. ¹²⁷ It has a mother-baby unit for up to 10 women and their children up to 18-months-old. ¹²⁸ Unlike some of the other MBUs across England and the greater UK, mothers are guaranteed an individual cell. The family and visitor’s center is run and supported by Prison Advice and Care Trust (PACT). ¹²⁹
Bronzefield Prison¹³⁰ (Ashford, Middlesex)	Private prison that houses a total of 572 women. ¹³¹ It has an MBU on site that houses up to 12 mothers and 13 babies. Babies can stay until they’re 18-months-old ¹³²
Eastwood Park Prison and Young Offender Institution¹³³ (Wotton-under-Edge, Gloucestershire)	Houses up to 400 women from the age of 18 and older. Its MBU offers spots for 12 mothers. ¹³⁴ Children under 12 can also spend some nights in the MBU with their mothers. ¹³⁵ PACT offers support to moms in Eastwood Park, including parenting and relationship programs. ¹³⁶
New Hall Prison and Young Offender	Houses 425 women. There are seven “houses” within New Hall, including Maple House, its MBU. The MBU – run by Action for

¹²⁶ “Askham Grange Prison and Young Offender Institution,” Prisons and Probation, GOV.UK, updated February 3, 2025, <https://www.gov.uk/guidance/askham-grange-prison>.

¹²⁷ GOV.UK, “Askham Grange Prison and Young Offender Institution.”

¹²⁸ “Guidance on Working with Women in Custody and the Community (HM Prison & Probation Service, December 2018), 73,

https://hubble-live-assets.s3.amazonaws.com/birth-companions/file_asset/file/100/Guidance_on_working_with_women_in_custody_and_the_community_print.pdf.

¹²⁹ “HMP Askham Grange,” Pact, accessed January 23, 2025,

<https://www.prisonadvice.org.uk/prisons/hmp-askham-grange/>.

¹³⁰ “Bronzefield Prison,” Prisons and Probation, GOV.UK, updated January 12, 2022,

<https://www.gov.uk/guidance/bronzefield-prison>.

¹³¹ “About HMP & YOI Bronzefield,” Sodexo Justice, accessed January 23, 2025,

<https://www.hmpbronzefield.co.uk/home/about-the-prison.html>.

¹³² Sodexo Justice, “About HMP & YOI Bronzefield.”

¹³³ “Eastwood Park Prison and Young Offender Institution,” GOV.UK, updated February 15, 2024,

<https://www.gov.uk/guidance/eastwood-park-prison>.

¹³⁴ “Guidance on Working with Women” (HM Prison & Probation Service), 75.

¹³⁵ *Women in Prison: First Report of Session 2022-23* (House of Commons), 58.

¹³⁶ “Supporting Mothers in Prison,” Pact, accessed January 23, 2025,

<https://www.prisonadvice.org.uk/get-help/prison/supporting-mothers-in-prison/>.

Institution ¹³⁷ (Flockton, West Yorkshire)	<p>Children¹³⁸ – can house up to nine women.¹³⁹ PACT runs the onsite visitor’s center for all family members of women detained at New Hall.</p> <p>When a mother arrives at the MBU, her needs are assessed and a plan is created to provide education and opportunities, including basic baby care and parenting classes.¹⁴⁰ It also has a nursery with trained staff.</p>
Peterborough Prison ¹⁴¹ (Westwood, Peterborough)	<p>Private prison that houses both men and women in separate, secure areas.¹⁴² Its “uncrowded capacity” is 360 women. There’s an on-site MBU in a separate building that can accommodate up to 12 mothers and 13 babies.¹⁴³ Cell doors are not locked, and the MBU facility has a kitchen and laundry facility, as well as a daycare and garden play area.¹⁴⁴</p>
Styal Prison and Young Offender Institution ¹⁴⁵ (Wilmslow, Cheshire)	<p>Houses women 18 years and older, houses up to 480 women, with the capacity to house babies until they are 18-months-old.¹⁴⁶ Styal Prison’s MBU is run by Action for Children¹⁴⁷ and can house nine mothers.¹⁴⁸ PACT operates a visitors’ center and offers family services at the prison.¹⁴⁹</p>

¹³⁷ “New Hall Prison and Young Offender Institution,” Prisons and Probation, GOV.UK, updated February 3, 2025, <https://www.gov.uk/guidance/new-hall-prison>.

¹³⁸ “New Hall Mother and Baby Unit,” Action for Children, accessed January 23, 2025, <https://www.actionforchildren.org.uk/how-we-can-help/our-local-services/find-our-services-near-you/new-hall-mother-and-baby-unit/>.

¹³⁹ “Guidance on Working with Women” (HM Prison & Probation Service), 77.

¹⁴⁰ Action for Children, “New Hall Mother and Baby Unit.”

¹⁴¹ “Peterborough Prison,” Prisons and Probation, GOV.UK, updated January 14, 2022, <https://www.gov.uk/guidance/peterborough-prison>.

¹⁴² “About HMP YOI Peterborough,” Sodexo Justice, accessed January 23, 2025, <https://www.hmpypeterborough.co.uk/home/about-the-prison.html>.

¹⁴³ “About HMP YOI Peterborough,” Sodexo Justice.

¹⁴⁴ “About HMP YOI Peterborough,” Sodexo Justice.

¹⁴⁵ “Styal Prison and Young Offender Institution,” Prisons and Probation, GOV.UK, updated February 3, 2025, <https://www.gov.uk/guidance/styal-prison>.

¹⁴⁶ GOV.UK, “Styal Prison and Young Offender Institution.”

¹⁴⁷ GOV.UK, “Styal Prison and Young Offender Institution.”

¹⁴⁸ “Guidance on Working with Women” (HM Prison & Probation Service), 79.

¹⁴⁹ “HMP Styal,” Pact, accessed January 23, 2025, <https://www.prisonadvice.org.uk/prisons/hmp-styal/>.