

Research Paper

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Motherhood Arrested: Reflections from birth mothers and practitioners in the criminal justice system

Susie Bateson (née Cox)

Executive Summary

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Background

While women make up a very small percentage of the prison estate, their role, frequently, as the primary caregiver of children means their imprisonment has an immense impact on family, children and other relationships.

The Corston Report and Farmer Review have identified specific needs and vulnerabilities for women with the latter stating that ‘unless and until women are reassured about their children, they are not able to make progress in other areas’. Therefore, it is paramount to understand the experiences of, and protective factors for, women who interact with this intersectionality of having had a prison sentence and a child removed from their care through adoption. We need to understand the protective factors for this cohort.

The findings of this study are based on interviews with three birth mothers, two Probation Officer, two Social Workers and five support workers and managers from various third sector agencies supporting women. This study builds on previous research around maternal imprisonment and maternal rights and is unique in its sole focus on the stories of women who have experienced arguably two of the most extreme state interventions.

Key Findings

- 1) A history of trauma is present for this group and a likelihood of abuse in childhood continuing into adulthood. This group have largely experienced trauma prior to separation from their child. Safeguarding concerns were predominantly in relation to substance misuse, and rarely due to criminality itself. Child removal constituted an additional trauma, the Circle of Circumstance (Baldwin, 2021), whereby mothers experienced a further maternal trauma and subsequently, heartbreak.
- 2) While experiences of prison varied, changes made in prison were important as a protective factor during the sentence, but were difficult to maintain in the community. Further, there is

a high prevalence of suicidal thoughts for the Mothers interviewed. Practitioners must be aware of the protective factors for traumatised women that must continue to live in circumstances that can also be traumatic.

- 3) The importance of Probation Practitioners truly listening to the mother was identified, acknowledging the mother as the expert in her own story, as well as liaising with partner agencies.
- 4) It was identified that there was a lack of trust between the mothers interviewed and social workers. Another theme that arose was the perception of different thresholds dependent on location, as well as 'moving goalposts', and a lack of clarity around expectations, processes and concerns.
- 5) The value of the mother's voice during care proceedings and Children's Services involvement, elicited and recorded, was a strong theme in the research. Regardless of adoption outcomes, it is right to acknowledge the wishes of parents and the progress made. Practitioners should also have an understanding of the likelihood of future connections – many adoptees will regain contact with parents as adults, and nearly 1 in 4 adopted children have contact again with birth parents prior to turning 18.
- 6) The research identified barriers to multi-agency communication and a lack of sufficient training for Children's Services around criminal justice issues.
- 7) Mothers in this study acknowledge that many people stopped referring to their children, and highlighted that this was at odds with the continuing strength of their maternal identity. This study added to previous research identifying that the hope of reconciliation is a protective factor, as in the maternal identity itself.

Concluding Thoughts and Recommendations

Baroness Corston wrote that while society is rightly angry about those who abuse children, it seems to have 'little sympathy, understanding or interest in those who have been their victims, many of whom end up in prison'. Though a small sample size, the findings of this research reflect previous narratives within the literature, from those of mothers in prison and birth mothers whose children have been adopted. Findings show consensus among Mothers and practitioners around common experiences for women in this position, echoing Baldwin's Circle of Circumstance (2021), where many mothers who have already experienced trauma are then exposed to further maternal trauma which can cause existing problems to intensify. Gender-specific approaches and therapeutic support are needed to break this cycle that can otherwise

lead to involvement in both criminal and family courts, and recent evaluations highlight the innovative approaches that are already in place and are effective. Those working in this field must have a deep understanding of trauma, maternal bonds, and the power of hope, and must respond with empathy. Stigma and judgement frequently pervade, and self-reflexivity will be essential in practice, in addition to serious consideration of protective factors available to mothers' experiencing custody who will not be able to see their children on their release. Further, social workers must think long-term about reconciliation and the power of their own words, as well as the recorded views of birth family, on future relationships. Regardless of adoption outcomes, it is right to acknowledge progress made by parents and their commitment to their child. A systemic change is needed, with a focus on strengthening families and improved multiagency communication, despite the significant workforce challenges in both Children's Services and the Prison and Probation Service - it is an issue of social justice.

Recommendation 1: Continued funding for well-evidenced projects which provide therapeutic support for birth mothers, such as Breaking the Cycle and Pause, and for development of Family Drug and Alcohol Courts, as well as other Problem-Solving Courts such as the Intensive Supervision Court pilot for women in Birmingham. Further, for practitioners to have an awareness of services that will support women with trauma following adoption. In line with O'Brien and King's recommendations (2023), HMPPS might wish to partner with existing specialist counselling programme providers, for example, PAC UK.

Recommendation 2: Women-specific teams in Probation in every region that have had training in working with mothers and trauma, and increased awareness of the specific tools available for working with mothers¹.

Recommendation 3: Support for the development of the Local Authority Social Work model in prisons with statutory responsibility, with key contacts identified within Children's Services to communicate with social workers or family support managers in prison (as identified by O'Brien & King, 2023). Key leads should also be identified within Probation to liaise with Children's Services and improve communication between the services.

¹ For example, 'First Steps to Change: a toolkit for working with women' (2023) designed for Probation Practitioners, developed by Regional Women's Leads in Probation, women's centres, Peer Mentor groups and specialist individuals.

Recommendation 4: Development of criminal justice social work, to include Social Worker placements to be offered in Prisons and a specific focus as part of all Social Work training programmes (as identified by Baldwin et al., 2022). Probation Practitioners should continue to have training on safeguarding as well as the function and thresholds of Children’s Services.

Recommendation 5: Even where children may be adopted, statutory reports should identify positive progress and include birth parents’ view, and for there to be greater accountability where parental views have not been included. There should be evidence of parental understanding in all cases of forced and voluntary adoption, and evidence that all options and support have been exhausted. Greater consideration to be given alternative options in suspending family court cases where a mother has a short custodial sentence.

Recommendation 6: As recommended in the ‘Together a Chance’ Evaluation (Rees et al., 2024), easy-read explanations about parental rights and Children’s Services should be made available for women in prison.

Recommendation 7: Practitioners should have an understanding of the role of substance use as a coping strategy linked to traumatic experiences. A focus on healing trauma may be able to prevent substance misuse and therefore keep families together.

Recommendation 8: Women in prison whose children have been, or are in the process of being adopted should be given additional support, with referrals made to support services, counselling and Chaplaincy as well as knowledge shared about support services in the community.

Recommendation 9: Improved access to reflective practice and staff support, especially for those staff who witness or supervise final contacts.

ENDS