



Prison Service Order

**ORDER
NUMBER
4801**

The Management of Mother and Baby Units

Fourth Edition

Date of Initial Issue	February 2000
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Issue Number	296
This PSO replaces the Third Edition of PSO 4801 issued in 2005.	
PSI Amendments should be read before and in conjunction with PSO	
Date of Further Amendments	

EXECUTIVE SUMMARY

STATEMENT OF PURPOSE	
<p>This PSO replaces the Third Edition of PSO 4801 issued in 2005. The purpose of this revision is to update some of the factual content. There are no significant changes of policy.</p>	
DESIRED OUTCOME	
<p>The desired outcome is the provision of a system of high quality care for the babies and young children of prisoners which operates to promote the best interest of the child in prison and provides the best prospect of successful resettlement with its mother in the community.</p>	
MANDATORY ACTIONS	
<p>This PSO contains a number of mandatory actions which are highlighted in italics throughout the text. Governing Governors of all Women’s Prisons and MBU Managers must ensure that they and their relevant staff are aware of the procedures and any changes in them.</p>	
RESOURCE IMPLICATIONS	
<p>The implementation of this PSO does not require additional resources.</p>	
IMPLEMENTATION DATE:	30 April 2008
<p>(signed)</p> <p>Michael Spurr Deputy Director General</p>	

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PRISON SERVICE ORDER ON THE MANAGEMENT OF MOTHER AND BABY UNITS

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PART I – UNDERSTANDING MOTHER AND BABY UNITS (MBUs)

Introduction

For well over a hundred years, it has been common for women prisoners to care for their babies in prison. This reflects society's normal assumption that the best place for a young child is with its mother. In prison, that assumption is less easily made and there have to be procedures and processes for reaching a proper decision on whether a mother should be allowed to have her child with her. On 3 December 1998 the then Director General of the Prison Service initiated a review of the Service's approach to Mother and Baby Units (MBUs). The work of the multi-disciplinary review led to the publication in July 1999 of the "Report of a Review of Principles, Policies and Procedures on Mothers and Babies/Children in Prison". The great majority of its recommendations were accepted in December 1999 and the report forms the basis of PSO 4801. The PSO was first issued in February 2000 and since then the number of MBU places has increased, new childcare and protection procedures have been introduced and the Courts have given judgements on several MBU cases which have refined the legal position of MBUs in the Prison Service. This 4th Edition of the PSO consolidates good practice from the past and sets out the latest position on the management of MBUs.

SECTION 1: THE PURPOSE OF THIS ORDER

Key Points

- 1.1 This Prison Service Order is relevant to all Governors and staff in women's prisons in England and Wales.
- 1.2 *Those establishments, which do not have Mother and Baby Units, must pay particular attention to Part II and Part IV, which cover the admission and separation processes.*
- 1.3 The PSO provides instruction and guidance to managers and staff who work in the Prison Service Mother and Baby Units (MBUs) and is also available to prisoners. In addition, it gives instructions and guidance to staff and prisoners in all women's prisons which have no Mother and Baby Unit. Those prisons often accommodate pregnant prisoners or newly imprisoned mothers with babies in the community who may wish to apply for a place on one of the MBUs. It is important that those prisons also understand their role in the process.

The Order sets out:

- Clear procedures for the application process, admissions boards and, where necessary, separations.
- Instructions and advice on MBU management, Health and Safety issues and provides "handout" procedures for babies
- Standardises the administration of Mother and Baby Units to build on best practice.
- Updates procedures in the light of recent legal challenges to the Prison Service policy on MBUs, particularly on the Service's 18 months age limit for children.
- Emphasises the need for fair and equitable treatment for the children in our care whilst recognising the individual circumstances in each case.

- Recognises that whilst, in the majority of cases, the needs of the child will have primacy, there may be occasions when the collective needs and safety of other resident children and their mothers will merit consideration over the individual needs of a child.
- Acknowledges that the interests of mothers are also important providing they do not undermine the interests of the child.
- Incorporates, where applicable, the Framework for the Assessment of Children in Need and their Families published by the Department of Health in 2000.
- Incorporates, where applicable, the Care Standards Act 2000 published by the Department of Education and Skills in 2001 concerning the standards for running nurseries and crèches.
- Incorporates the principles and practice of Child Protection Policy.

1.4 This PSO updates and clarifies procedures for the operation of Mother and Baby Units, but it cannot cover all possibilities. In any cases of doubt it is very important to seek advice - before taking action - from the Women's Team in Women and Young People's Group or the National Mother and Baby Coordinator.

SECTION 2: THE ROLE OF MOTHER AND BABY UNITS

- 2.1 A Mother and Baby Unit is designated separate living accommodation within a women's prison, which enables mothers to have their children with them whilst in prison. It is a drug-free unit where, in order to promote healthy child development, a calm and peaceful environment is required at all times. The Unit safeguards the child's welfare and allows the mother and child relationship to develop normally. As the child is being cared for in special circumstances it is classed as "in need" under Department of Health guidelines and continuous assessment of the child's position is part of the care provided. It is important to record that the "assessment" referred to is not the same as Social Services' formal process of assessment of a mother and child but is simply a regular review of the child's and mother's progress on the Unit.
- 2.2 The Units exist first and foremost for the benefit of the children who are not prisoners and have committed no offence. Their best interests are the primary concern in all matters. If it is considered to be in a child's best interests, he/she should be admitted to the Unit. In normal circumstances in the community the best interests of the child are seen as remaining with the mother. The Prison Service also starts from that position but, given the nature of the prison population, it is unrealistic to expect that it is in the best interests of all children to stay with their mother during her sentence.
- 2.3 To assess the child's best interests the mother's circumstances have to be considered and there can be no automatic entitlement to a place on a MBU. Each application is evaluated on its individual merits. Once on the Unit, the mother holds the prime duty of day-to-day parental care for the child and she must continuously demonstrate by her conduct that she is a fit and appropriate person to remain there.
- 2.4 *The mother's rights must also be recognized provided they do not undermine those of the child.* Mothers should not be precluded from participating in the full prison regime, including addressing their offending behaviour, and must be encouraged to take up every opportunity for education and training the prison can provide. The crèche facilities in the Units are provided primarily for that purpose.
- 2.5 But, within the context of prison, the concern for the best interests of the individual child may exceptionally have to take second place to the best interests of other children on the Unit. For example, a child's place on a Unit may have to be refused or withdrawn if it is considered that a mother's behaviour on a Unit puts at risk the health, safety and welfare of her own child or, other children or mothers living on the Unit.
- 2.6 In addition, if it becomes evident that remaining on a Unit is no longer in the best interests of a child, then the child should leave the Unit to continue his/her growth and development in an environment outside the prison.
- 2.7 Prisoners, staff and all individuals and organisations, in particular Social Services, coming into contact with the Units, need to know that Units are **not** "places of safety" i.e. a place where any child can be automatically admitted and guaranteed safety. Admission to a Prison Service MBU is dependent on the mother being considered suitable for the Unit.
- 2.8 The Prison Service Units are also not places where prison staff do assessments on behalf of Social Services to determine whether a mother is suitable to keep custody of her child. In the community, Social Service's MBUs do have that role but they are staffed and trained for that purpose. It is not, therefore, acceptable to admit a mother to one of our MBUs "for assessment".

Age Limits for Children.

- 2.9 At two MBUs, Holloway and New Hall, the facilities provided allow a child to remain normally until about nine months old. Children staying much beyond that age normally move to one of the other Units all of which are equipped for children up to the age of 18 months. None of the Units is equipped to cater properly for children much above 18 months. Advice on child development suggests that children can become institutionalised if they remain much longer.
- 2.10 There should be some routine flexibility in these arrangements if the mother is due for release within a few weeks of the child reaching the age limit. Additionally, where it is shown that it is in the best interests of the child, he or she may exceptionally be allowed to stay on for a further period but for the vast majority of cases the child is expected to leave the Unit by the age of 18 months, or earlier if it is in the child's best interests.

SECTION 3: THE CULTURE AND ETHOS OF MOTHER AND BABY UNITS

- 3.1 Mother and Baby Units should be calm places with a friendly and welcoming atmosphere, which encourages children to thrive.
- 3.2 *Babies and their mothers must not be locked in their rooms. When mothers on the units are required to remain in their rooms, their doors must not be locked.*
- 3.3 Mother and Baby Units should be fair and open. Mothers will have the same access to records and reports as other prisoners. All documents relating to their own babies will be made available and disclosed to the mother. *The mother must be fully involved in the decisions on her child and herself.*
- 3.4 Full and up-to-date documentation on all aspects of the mother's and child's daily life on the Unit should be kept. These should be free of inappropriate value judgements.
- 3.5 *All incidents, particularly those which give cause for concern, must be fully documented, and substantiated by evidence.*
- 3.6 Because units are communities in which children are in critical formative years, a high standard of conduct is expected from mothers. Any behaviour that is prejudicial to the health or normal development of children, or disrupts the tranquillity of a Unit, may result in a mother's removal from the Unit because of the risks she presents to others, including her own child. *However, it is important to bear in mind that separation and removal from the Unit is a very serious step and must be proportionate to the seriousness of the problem.*
- 3.7 While Mother and Baby Units are part of a prison and exist in the prison setting, it is essential for Units to have a child-focused regime and environment. The Units exist primarily for the sake of the children and the adverse affects of living in prison should be alleviated wherever possible.

SECTION 4: STATEMENT OF PURPOSE FOR MOTHER AND BABY UNITS

4.1 Below is the national statement of purpose for Prison Service Mother and Baby Units.

4.2 *It must be clearly displayed on each MBU.*

STATEMENT OF PURPOSE FOR MOTHER AND BABY UNITS

This Mother and Baby Unit is here to provide a calm and friendly place within the prison for babies to live with their mothers. The best interests of the child and the children are the primary consideration in all matters.

Mothers retain parental responsibility for their child. The Unit provides the mothers with facilities to enable the mother and child relationship to develop and to safeguard and promote the child's welfare.

Mothers in the Unit are expected to take part in the general regime of the prison, particularly in dealing with their offending behaviour and educating themselves for resettlement on release. Childcare is provided so that the mothers can take part in the regime.

The Unit depends on all mothers complying with the Compact they signed on admission. That includes showing proper consideration for each other and all the children.

SECTION 5: WHERE MOTHER AND BABY UNITS ARE LOCATED

- 5.1 At 31 January 2008 there were places for a total of 75 mothers and 82 children in 7 women's prisons. These include a purpose-built 10 room Unit at Askham Grange, a purpose-built 12 room Unit at HMP/YOI Eastwood Park, a purpose-built 12 room Unit at HMP Bronzefield and a purpose-built 12 room Unit at HMP Peterborough. The locations of all the places are set out below:
- 5.2 Girls under 18 years of age with babies can be accommodated at Rainsbrook STC under the auspices of the Youth Justice Board.

Please note: **Bronzefield and Peterborough do not accommodate sentenced young offenders on their MBUs.**

SECTION 6: THE NATIONAL MANAGEMENT OF MOTHER AND BABY UNITS

PRISON	PRISONER STATUS	SECURITY CATEGORY	PLACES	UPPER AGE LIMIT
Askham Grange, Nr York	Sentenced	Open	10 Mothers 11 Babies	18 Months
Holloway, London	Remand, Convicted & Sentenced	Closed	13 Mothers and Babies	9 Months
New Hall, Nr Wakefield	Remand, Convicted & Sentenced	Closed	9 Mothers 10 Babies	9 Months
Styal, Cheshire	Remand, Convicted & Sentenced	Closed	7 Mothers 8 Babies	18 Months
Eastwood Park, Gloucestershire	Remand, Convicted & Sentenced	Closed	12 Mothers 13 Babies	18 Months
Bronzefield, London	Remand, Convicted & Sentenced	Closed	12 Mothers 13 Babies	18 Months
Peterborough	Remand, Convicted & Sentenced	Closed	12 Mothers 13 Babies	18 Months

- 6.1 The responsibility for the day-to-day operation of a Mother and Baby Unit rests with the Governing Governor/Director and with his/her Area Manager. However, the national operational responsibility for the Units as a whole rests with the Head of Women and Young

People's Group. This enables the Service to have a consistent national approach to the Units.

- 6.2 The Head of Women and Young People's Group is responsible for the effective management of the national resource, the overall operational policy for the Units and is the appellate authority for prisoners who have been refused a place on a Unit.
- 6.3 The National Mother and Baby Coordinator is responsible for the day-to-day discharge of the Head of Group's responsibilities in this area and provides information and advice as requested, being a central point of contact for all the Units.
- 6.4 The National Mother and Baby Coordinator within Women and Young People's Group holds quarterly meetings of MBU Managers and Independent Chairs. Bi-annual meetings of its MBU Policy Group, which includes experts and specialists in child care from outside the Service, are chaired by the Head of Women's Team who works directly to the Head of Group.
- 6.5 Through these arrangements Women and Young People's Group provides a constant, 24-hour point of contact for any difficulties arising in MBUs and gives direct support to the Units. The Governing Governor/Director and Area Manager are kept informed as necessary. These arrangements enable Governors to focus on their core work and allow national expertise to be quickly deployed to resolve problems. This is particularly the case where legal action is taken about Service policy on MBUs.
- 6.6 Independent Chairs of Admission Boards for MBUs have been appointed to each Unit. They are highly experienced practitioners in the work of Social Services and bring their expertise to bear on assessing applications for MBU places and separations involving women in Units. In this way the Service ensures that the normal standards on child care in the community are properly applied in the prison.

SECTION 7: OUR LEGAL OBLIGATIONS

Prison and YOI Rules

7.1 The legislative basis for Mother and Baby Units are as follows:

Rule 12(2), Prison Service Rules 1999, as amended

'The Secretary of State may, subject to any conditions he thinks fit, permit a woman prisoner to have her baby with her in prison, and everything necessary for the baby's maintenance and care may be provided there.'

Rule 25, YOI Rules Consolidated 2002

'The Secretary of State may, subject to any conditions he thinks fit, permit a female inmate to have her baby with her in a young offender institution, and every thing necessary for the baby's care may be provided there.'

7.2 There is also legislation about the obligation to maintain family ties. This can be found in

Rule 4(1), Prison Rules 1999, as amended

'Special attention shall be paid to the maintenance of such relationships between a prisoner and his family as are desirable in the interests of both.'

Rule 42(2), YOI Rules 2000

'The Governor shall ensure that special attention is paid to the maintenance of such relations between an inmate and his family as seem desirable in the best interests of both.'

The Children Act 1989

7.3 **Section 1** of the Act requires that, in deciding any question about the upbringing of a child,

"the child's welfare shall be the (court's) paramount consideration."

7.4 **Section 3 (1)** lays down the legal definitions of parental responsibility:

'All the rights, duties, powers, responsibilities and authority which by law a parent has in relation to the child and his property.'

7.5 **Section 3(5)** indirectly covers the responsibility of the Prison Service:

'A person who (a) does not have responsibility for a particular child; but (b) has care of the child, may do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare.'

- 7.6 **Section 17(1)** provides the legislative base for social work services to prisoners and their children:

'It shall be the general duty of every Local Authority (in addition to other duties)

(a) to safeguard and promote the welfare of children within their area who are in need and;

(b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.'

- 7.7 The previous provision is particularly important because some Social Services have tried to argue that it is the woman's "home" Social Services who are responsible for the care of the mother and child not the Social Services local to the prison. However, the court judgements clearly show the primary responsibility for the child rests with the Social Services area within which the prison stands. In particular, the Social Services which cover the prison are responsible for representing the best interests of the child in any formal process but the mother's "home" Social Services also have a role to play. That position is reinforced by Sections 27 and 47 of the Act, which require local authorities to co-operate with each other.

- 7.8 The 1989 Act also applies to mothers under 18 years of age. In particular, the Local Authorities duties under section 17 or section 47 of that Act do not cease when she is detained in prison. In the Howard League court case, November 2002, Mr Justice Munby held that the Children's Act applies to children in Prison Service Establishments but only in relation to the responsibilities of a local authority under sections 17 and 47, subject to the necessary requirements of imprisonment.

The Children Act 2004

- 7.9 Section 11 of the Children Act 2004 requires Governors (and Directors) of Prisons and YOIs to make arrangements for ensuring that their functions are discharged having regard to the need to safeguard and promote the welfare of children. Although in reality this change has not made a fundamental difference to the way MBUs operate, it is important to show that the Section 11 duty and its associated guidance are taken into account in the procedures and processes of MBUs.

International Conventions

- 7.10 Two international conventions provide clear principles for the provision and management of services for mothers and their children in prison. They should be taken into account when taking discretionary decisions relating to babies of mothers in prison. These are:

The United Nations Convention on the Rights of the Child 1989, Article 3, paragraph 1 which states:

'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration.'

The European Convention on Human Rights 1950, Article 8 provides the right to family life and became directly enforceable in domestic law when **The Human Rights Act 1998** came into force in the United Kingdom on 2 October 2000. Article 8 provides:

'Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as 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 protection of health or morals, or for the protection of the rights and freedoms of others.'

Further Legislation

- 7.11 The Prison Rules, the Children Act and the International Conventions provide the legal foundations and principles for the operation of Mother and Baby Units. The implementation and regulation of the processes for MBUs is governed by other legislation.
- 7.12 The Care Standards Act 2000, Chapter 14 and related OFSTED documentation removes Crown exemption from Part X of the Children Act 1989. It introduced Part XA, which requires that any provider of day care for children less than eight years of age and *all crèches and nurseries (including those in prison Mother and Baby Units) must be registered by law annually with OFSTED and to be inspected by them*. Mother and Baby Units must meet the laid-down standards applicable for their Unit, which will be either crèches, sessional day care or full day care, depending on the child care provision in each establishment.
- 7.13 The Framework for the Assessment of Children in Need and their Families and Assessing Children in Need and their Families: Practice Guidance published by the Department of Health in 2000 gives guidance to those in the social work field, and other professionals. It provides advice on who may become involved in the process and the correct procedures, timescales and standards required when assessing a child in need and their families under the Children Act 1989. The document is issued under Section 7 of the Local Authority Social Services Act 1970, which requires local authorities in their social services functions to act under the general guidance of the Secretary of State. As such, this document does not have the full force of statute, but should be complied with unless local circumstances indicate exceptional reasons which justify a variation. Children who are living with their mothers in a Mother and Baby Unit are deemed to be "children in special circumstances" and therefore come under the Framework.
- 7.14 Working Together to Safeguard Children, (DfES, 2006) is a guide to inter- agency working to safeguard and promote the welfare of children.
- 7.15 The Fire Services Act 1947 requires the Fire Service to give advice, on request, free of charge and The Fire Precautions Act 1971 imposes a requirement to obtain a fire certificate covering an appropriate fire escape route, the fire fighting equipment and the identified means of warning in case of fire.
- 7.16 Food safety and hygiene requirements are covered under the Food Safety Act 1990 and the Food Hygiene (General) Regulations 1970.

7.17 The Health and Safety Regulations are covered under the following Acts:

The Health and Safety at Work Act
The Electricity at Work Regulations
The Reporting of Injuries, Disease and Dangerous Occurrences Regulations
The Health and Safety (Information for Employees) Regulations

7.18 The above four Acts are frequently updated. It is therefore the latest legislation for each Act which applies.

Case Law

7.19 There have been numerous Judicial Reviews of cases involving mothers and babies in prison. In most of those cases the Service was able to defend itself successfully against the allegations and establish a sound legal basis for its work. But in a few cases we have accepted the need to modify our approach and MBU staff have been informed of developments as they arose. The paragraphs below summarise the main cases which led to those changes.

R (P) v Secretary of State for the Home Department, R (Q and another) v Secretary of State for the Home Department [2001]

7.20 These cases were run together by the courts because of the similar issues raised. Both women faced separation from their child because of the 18-month limit on the age of children in MBUs. The courts decided that the separation of mother and child should proceed in one case because her earliest date for release was so far away that the child would be excessively over the 18-month limit and separation was seen as unavoidable. In the other case, the Service was asked to reconsider its position because the 18-month limit must not be rigid and should be applied with reasonable flexibility in the child's best interests. The court judged that there would exceptionally be cases where the extreme position of mother and child could make it right to keep a child in a MBU significantly beyond 18 months. The court emphasised the exceptional nature of any such decision. The mother and child were exceptionally allowed to remain on the Unit until the mother was granted parole.

7.21 The "P & Q" case established that the Prison Service is legally permitted to have an 18-month limit but that the limit must be flexibly applied in the light of the particular circumstances of the individual case and in the best interests of the child. The case also established that the courts could not substitute their own views for those of the Secretary of State although they could persuasively recommend that the Service should review a case.

R (D) v Secretary of State for the Home Department [2003]

7.22 This case involved the separation of a child from its mother because she was judged to be disruptive on a MBU. The child was handed out to a carer who had not been checked by Social Services. The court judged that the separation was not demonstrably in the child's best interests: alternatives to separation had not been considered nor were the procedures for assessing the child's best interests adequate. It so happened that the carer in the community provided good care for the child despite her youth but the case highlights the importance of checks on potential carers. The mother and child were reunited at another MBU and the mother was paid some £7000 compensation.

7.23 This case led to the operational decision that all potentially controversial or contested separations must be referred to the central management team for mother and baby units who would consider the case and advise and support the prison in the further action. It also led to the establishment of Separation Boards chaired by Independent Chairs to decide the

proper course of action for all cases of difficult or contested separations. The requirement to check the suitability of carers has also been strengthened as a result of the case.

R (F) v Secretary of State for the Home Department [2004]

- 7.24 This case concerned the intention to separate a mother and child in the child's best interests before the 18-month limit was reached. A considerable amount of care and record keeping was put into the case. The intention followed the views of child experts that where separation is inevitable it can be in the child's best interests to separate early so that the child could separate with less trauma and form a proper bond with its long-term carer. In the Judicial Review judgement, the court confirmed the legal position of the Secretary of State in such cases (see 7.20 above) and concluded that the decision to separate was reasonable. But the court allowed the application on procedural grounds because the local Social Services had not properly represented the best interests of the child at the Separation Board. The Board was reconvened and reconsidered the case. The mother and child were separated in the child's best interests before the 18-month limit. A TV documentary was subsequently broadcast about the case.
- 7.25 The case demonstrated that the courts are prepared to accept the Service policy that a planned separation before 18 months can be in the child's best interests where the mother is not due for release until after the child is 18 months old. The case also re-enforced the importance of good record keeping by the MBU and the great importance which must be attached to Social Service's participation in all MBU cases.

PART II – THE APPLICATION PROCESS

SECTION 8: IDENTIFYING MOTHERS AND MAKING AN APPLICATION

Identification

- 8.1 When a woman first comes into custody staff should try to establish during the reception process whether she is pregnant and whether she has any young children in the community. If she has young children, details of their carer and location should be established as soon as possible.
- 8.2 *The Governing Governor must ensure that procedures are in place to identify on reception or the earliest opportunity all prisoners who are pregnant or who have children under the age of 18 months. They must all be provided with the prisoners' information booklet "All About Mother and Baby Units".*
- 8.3 A woman will not always know that she is pregnant on first admission. If her pregnancy is discovered subsequently, then all the options must be discussed with her and she must be informed about Mother and Baby Units as part of that process.
- 8.4 *Information about Mother and Baby Units must be available on each prison wing/unit, in the prison library, and on reception/induction.*

Mother and Baby Liaison Officers

- 8.5 *Governing Governors in all women's prisons must appoint a named liaison officer (who may be a member of the unified grades or a seconded probation officer), who will be responsible for assisting the woman to complete the application form; ensuring all forms are correctly completed; compiling a relevant information dossier and; forwarding the dossier to the appropriate Unit for consideration.*
- 8.6 *Governors must inform the National Mother and Baby Coordinator of the nominated individuals. The Mother and Baby Unit Liaison Officer must have at least one nominated Deputy to cover for absences. The Job Description for the Liaison Officer is contained in Annex H.*

Preparing an Application

- 8.7 *Governing Governors must ensure that women who are pregnant or have a child below the age of eighteen months have the opportunity to apply for a place on a Mother and Baby Unit. Ideally, a mother's release dates should arise before the child reaches the age of 18 months so that the mother can take the child back into the community when she is released. Units are not equipped to accommodate the developmental needs of children much beyond the age of 18 months and those admitted to Units with a long sentence face the prospect of separation. Nevertheless, all sentenced women are eligible to apply regardless of their length of sentence and release dates because it may still be in the child's best interests to be with its mother for some time.*
- 8.8 A large percentage of women on remand are not given a custodial sentence and some of those who do receive one have little or no time to serve because of their remand time. In consequence, staff need to consider the likely trial/sentence date compared to the expected date of delivery. Ideally, applications should be made not less than three months before the expected delivery date.

- 8.9 The applicant should be invited to fill in a standard application form for a place on a MBU. The application form is included in the Mother and Baby Booklet and is also reproduced at Annex A. The criteria for admission are in the booklet and are set out at Question 6. Where a mother is applying to have more than one child with her, for example, she may be pregnant but also have a child of under 18 months of age in the community, the application for each child should be considered separately.
- 8.10 *All eligible women who wish to apply for a place for their child on a prison Mother and Baby Unit must be referred to the nominated Mother and Baby Liaison Officer, or in their absence, their Deputy, no later than seven days from the date of the request. The mother must be provided with information about the National Mother and Baby Unit Policy and must be assisted in making a full application by the establishment's Mother and Baby Unit Liaison Officer or their Deputy.*
- 8.11 The process of putting together an application should begin as soon as the woman has confirmed that she wishes to apply for a place. It should not be left to the last minute, so that Admissions Boards have time to consider an individual case properly with all appropriate documentation and that alternative arrangements for accommodating the baby can be put in place if an application is refused.
- 8.12 *The Liaison Officer or Deputy must advise the applicant on which is the most appropriate Unit. The location of the woman's family/friends is clearly a very important factor in that decision, but information from OaSys and the woman's sentence plan should also be considered so that her continuity of care and offender behaviour management can be maintained as far as possible. Suitable mothers under 18 years of age can be accommodated in the MBU at Rainsbrook STC.*
- 8.13 *The Liaison Officer or Deputy must also ensure that the applicant fully understands that her application is for a place on any MBU. Although preferences may be expressed, this does not necessarily mean that the preference will be granted. It may be dependent on suitability for open conditions or, for example, the availability of space at the preferred Unit so an alternative placement may have to be offered.*
- 8.14 *The woman must only apply for the Unit of her choice: she must not make a separate application to any other Unit. A decision by one MBU to allow or refuse admission is binding on all MBUs.*
- 8.15 *A dossier must be compiled by the Liaison Officer of the establishment where the applicant is held and it should contain as much of the following documentation as possible:*

Social Services report/information including:

- Confirmation of Schedule One Status if applicable
- Any Child Protection issues
- Assessment of concerns about parenting skills or other risk
- Information about alternative care arrangements for the child should the application be unsuccessful
- Information about where the child, if already born, is currently living and the arrangements in place for any other siblings
- If the child is already born, the father and child's legal status: for example, does the local authority have a Care Order for the child?
- Recommendation concerning the child's best interests
- Wider family circumstances

Security Report/Information including:

- List of previous convictions
- Pre-sentence Report, if available
- Projected release dates
- Any offences of violence
- Any Schedule One offences
- Any reason why the mother could not be left in a permanently unlocked cell or room with her child
- Drugs Test result

Relevant medical reports including:

- Current health of mother
- Current health of child, if born
- Whether mother is breastfeeding

8.16 Wherever practicable, reports should be requested from the home General Practitioner. *The permission of the applicant must be given in writing before this report can be disclosed to the full Board.*

8.17 Reports should be couched in general terms, having due regard for medical confidentiality. If a woman refuses to have medical information disclosed, then that should be recorded, with the reasons for refusal, if known.

Personal Officer or Wing Conduct Report including:

- Adjudication Record
- Conduct Report
- Work Report

Probation Report/information or Youth Offending Service Report/Information including:

- Offending Behaviour profile
- Risk associated with the crime or alleged offence
- Family circumstances
- Release plans
- Support mechanisms in prison/outside prison
- Whether the mother will be the primary carer on discharge

Probation reports apply to adult prisoners. In the case of a young woman aged under 18 and subject to a s.91 sentence, or a young woman for the duration that she is subject to a Detention and Training Order, the case management responsibility is held by the Youth Offending Service in the area from which the trainee is normally resident and this agency will provide the necessary reports.

8.18 Additional reports may also be provided giving specialist information or corroborating the information outlined above.

8.19 Where, despite efforts, it is not possible to obtain any necessary information the reasons for and implications of these omissions should be clearly recorded. Except in the case of non-residents, Social Services' reports are critical to the Admission Board process and every effort should be made to obtain them. If they are not forthcoming, then this should also be recorded along with a record of the attempts at contact. It is recommended that where all

reasonable efforts have failed to obtain a Social Services report then a letter should be sent to the Director of Social Services by recorded post to register formally the lack of response.

- 8.20 In normal circumstances, admission should not be granted without a meaningful report from the appropriate Social Services area(s).
- 8.21 *The Liaison Officer or Deputy must ensure that the application form is filled in properly and forwarded immediately, with the dossier of information listed above, to the appropriate establishment.*
- 8.22 Applications will then be considered by the Admissions Board at the prison which is the applicant's MBU of first choice.
- 8.23 *All applications must be considered by an Admission Board unless withdrawn by the woman herself or her authorised representative.*

SECTION 9: ADMISSION BOARDS

- 9.1 The purpose of an Admission Board is to make a recommendation to the Governing Governor of a prison with an MBU on whether a child and mother should be admitted to a Prison Service Mother and Baby Unit.

The Composition of an Admission Board

- 9.2 *An ordinary Admission Board (not an emergency one) must be a multi-disciplinary group which includes as a minimum:*
- *Independent Chair*
 - *Responsible Governor or MBU Manager*
 - *Mother, plus a friend or personal officer if desired*
 - *Social Services representative and/or Probation Officer*
- 9.3 *Where the mother cannot attend in person, a Video Link with the mother must be used wherever possible. If Video Link facilities are to be used, the mother must give her consent in writing to being present via Video Link before the Board sits.*
- 9.4 *If it is not possible to use a Video Link, the reasons must be clearly recorded in the minutes of the Board meeting. (See the Section on Appeals for the consequence of not having the applicant present.)*
- 9.5 *Where it is not possible for the mother to attend, for example, because of a medical condition or being located in a prison without a Video Link, the mother must be invited to make a full written submission to the Board and be assisted to do so by the Mother and Baby Liaison Officer of the prison from which she is applying.*
- 9.6 The Board should also include, if relevant and appropriate:
- Drugs workers
 - Nursery Nurse
 - Health Visitor
 - Psychologist
 - Education Staff
 - Mental Health Professionals
 - Paediatric Staff
 - School nurses

9.7 Wherever possible, all Board participants will be given reasonable advance notice of the time, date and venue of the Board so that they have a proper opportunity to attend.

Admission Criteria

9.8 *Before an Admissions Board agrees admission it must be satisfied that the following criteria are satisfied:*

- It is in the best interests of the child/children to be placed in a Mother and Baby Unit.
- The mother is able to demonstrate behaviours and attitudes which are not detrimental to the safety and well-being of other Unit residents (or the good order and discipline of the Unit).
- The mother has provided a urine sample which tests negative for illicit drugs.
- The mother is willing to remain illicit drug-free.
- The mother is willing to sign a standard compact, which may be tailored to her identified individual needs.
- The mother's ability and eligibility to care for her child is not impaired by poor health, or for legal reasons such as the child being in care or on the Child Protection Register as the result of the mother's treatment of that child, or other children being in care.

A woman prisoner on a prescribed Methadone or Buprenorphine (Subutex) withdrawal or maintenance programme, must not be excluded from a place on a Unit solely for that reason.

The Conduct of Admission Boards

9.9 It is good practice for the Independent Chair to interview the applicant before the Board sits. When this is not possible face-to-face because the applicant is in another prison, then Video Link should be used to facilitate the interview or, if that is not possible, a pre-booked telephone call should be made.

9.10 Each member of the Admissions Board must have a copy of the complete dossier in order to be able to assess properly whether or not it is appropriate to offer the child and mother a place.

9.11 *The Board's deliberations must be accurately and fully minuted.* This is critical where any dispute is expected. A recommended format for the minutes is outlined at Annex B.

9.12 At the outset, the Chair should state the objective of the Board, which is:

- To make a recommendation to the Governing Governor about whether or not to offer the applicant and her child a place on the Mother and Baby Unit.

9.13 *The Chair of the Board must ensure that all relevant information in the reports or from attendees is made known to the Board and accurately recorded.*

- 9.14 *Where there is a need for discussion in the absence of the prisoner this must be explained and the reasons for it recorded.*
- 9.15 The best interests of the child is the primary consideration, but, in the prison context, not the only one. For example, good order and discipline on the Unit may have to take precedence over the interests of an individual child where his/her mother's conduct is such that it presents a risk of serious disorder and/or harm to other children and/or their mothers on the Unit.
- 9.16 A Board's consideration should involve a rigorous and balanced evaluation of all the available information, particularly the evidence submitted in the mother's dossier, the details of her application and the verbal or written evidence she provides. *Each case must be considered on an individual basis and members of the multi-disciplinary team may raise any other relevant issues for discussion.*
- 9.17 If the proposed living arrangements for the child outside the prison are more favourable to his/her development than the environment of a Mother and Baby Unit within a prison, then the Admissions Board will wish to consider whether it is really in the child's best interests to be admitted, especially if the length of the mother's sentence precludes her from leaving prison with the baby.
- 9.18 *The Board's Chair must clearly record:*
- (1) *the reasons for arriving at a recommendation and;*
 - (2) *whether or not the decision was unanimous.*
- 9.19 The recommendation, together with copies of the reports submitted to the Board and any additional notes sent by the Board Chair, must go to the Governing Governor/Director of the MBU prison for a decision on admittance/non-admittance to be made.

SECTION 10: ADVICE FOR ADMISSION BOARDS

Women Serving Long Sentences

- 10.1 *Where known, the length of sentence to be served by the mother must be taken into account in the admission process.* In the majority of cases the length of sentence actually served in prison will allow the mother and child to leave prison together, but long sentences may not permit that to happen because all children are expected to leave at around the age of 18 months which may be before the mother's time in prison has been completed.
- 10.2 Whilst a long sentence will not of itself preclude admission, its inevitable consequence is that any admission will lead to separation in due course. That fact needs to be borne in mind by the Board and clearly explained to the mother if she is admitted.
- 10.3 Despite a long sentence it may be considered to be in the child's best interests to allow admission for a short period. Such issues as allowing the mother to form some relationship with the child for the future; allowing breast-feeding (expressing may be an alternative); and giving time for alternative care arrangements to be made, may be relevant. The decision is for the Admission Board to make as part of its recommendation to the Governor.

- 10.4 The Prison Service's view is that where separation has to take place it may be least damaging and most in the child's interests for it to happen early in the child's life rather than around the 18-month limit. Ideally, the separation should take place when the child is under 6 months old or earlier if the child is not being breast fed. Later separation may be necessary, but the development process suggests that the later the separation the more difficult it is for the child to adjust and that this may significantly impair the child's physical and mental well being.
- 10.5 In simple terms, it is recognised that what a child needs in its early years is a constant caring and stimulating relationship with an adult. For obvious reasons this is normally the mother of the child, but it does not have to be and an alternative carer may be able to provide such care where the mother's position prevents her from doing so. In such a situation, the child benefits from bonding with the alternative and consistent carer early in its life rather than later. It gives the child the opportunity to form a stable long-term relationship with the consistent carer in the way that it could have done with its mother.
- 10.6 It is important to recognise that there is rarely a perfect solution. It is commonly a matter of finding the least bad option for the child and in each case the solution depends on its individual circumstances.
- 10.7 The following advice is derived from the experience of previous Board proceedings. It is only advice and is in no way binding on the Board. Board Members must make their decision in the circumstances of the individual case before them.
- Mothers with a poor history of parenting or institutional and behavioural difficulties should not be admitted simply so that they can "have another chance". The best interests of the child are the primary consideration.
 - It is important not to become over-involved in individual cases and transfer one's own feelings on to the applicants. This will not assist in the making of the best decision for the child.
 - It is important not to yield to undue pressures from the mother, who may be putting her own feelings before the welfare and well-being of her child.
 - It is important not to yield to undue pressure from external agencies, for example, a solicitor engaged to represent the mother, who do not represent the child.
 - Children should not be admitted to a Prison Service Mother and Baby Unit simply because it is expedient to do so for an outside agency or family members who would otherwise be responsible for the child, when it is apparent that the child would be better placed outside the prison environment.

SECTION 11: THE TYPES OF ADMISSIONS & REFUSALS

- 11.1 In reaching its decision, the Board should be aware that there are several different types of admission and refusal and should choose the appropriate one for the case.
- 11.2 There are three types of Admission and two types of Refusal:
1. Temporary Admission
 2. Emergency Temporary Admission
 3. Full Admission
 4. Conditional Refusal
 5. Full Refusal.
- 11.3 The grant or the refusal of an application means that the applicant has been judged suitable or unsuitable for all Service MBUs, subject only to categorisation. A new application may be made if the circumstances of the mother/child change substantially and evidence of the change is produced.

Temporary Admission

- 11.4 This is granted when a woman is considered suitable for an MBU but is on remand, awaiting trial or is convicted but un-sentenced. It should be explained to the woman that she is being temporarily admitted and that she will be re-boarded for full Admission when her sentence is known. A clear record that she has been informed must be made.
- 11.5 When her sentence is known the Board will reconvene to make the final decision on the case. The implications of her sentence will be considered. That might be that she will continue in the MBU until her release or it could mean that she and staff would have to start planning for a separation.
- 11.6 Where the period without a sentence turns out to be prolonged, staff should discuss the case with the Independent Chair to determine whether the Board should be reconvened to assess the case again in the light of the latest position.

Emergency Temporary Admission.

- 11.7 Emergency temporary admission to a Mother and Baby Unit may be granted by the Governor without a full Board for unpredictable cases in circumstances where it is thought desirable for the baby to be with the mother while her application is being processed. *Those involved in such a decision must take all possible measures to identify and assess any risks to the child/mothers and other mothers and children on the Unit. Social Services must be informed and involved immediately so that they can provide the prison with advice on dealing with the case.*

Examples of cases when emergency temporary admission may be necessary are:

- where the baby is in the care of the local authority as a result of the mother being arrested at a port or airport and particularly if the mother is a British non-resident and it appears that there is no immediate suitable alternative accommodation for the child in this country;
- where the baby is in the unplanned care of others owing to the sudden detention of the mother in custody;
- where the pregnancy is in an advanced state and the baby is due imminently.

- 11.8 *In all such cases a full emergency Board must be convened as quickly as possible. Every effort must be made to ensure that all the necessary people can attend with the required information. As much information as practicable must be collected within the few days available. Some input from the appropriate Social Services Authority is essential. This may be in the form of a telephone conversation noted in writing by the member of staff from the prison but must be followed up by a written report from the relevant Social Services by fax. If the woman is unknown to Social Services, a risk assessment must be done by the Board based on the woman's current and previous offences*

Full Admission

- 11.9 This is granted when a mother is sentenced, all the necessary documentation is available to the Admissions Board members and the Board is satisfied that it is in the best interests of the child to be admitted and there are no identified risks to others on the Unit. Any special conditions of admission must be added to the Compact.
- 11.10 *A Risk Assessment of both the mother and baby must be undertaken when they enter a Mother & Baby Unit (MBU). See Annex G.*

Conditional Refusals

- 11.11 This is given where the Board would be prepared to grant admission if the mother could successfully address certain issues. *Where an applicant has been given a conditional refusal, the reasons must be clearly explained to her and accurately recorded. A timeframe must be set to enable her to address the issues and staff must provide appropriate support and assistance to the applicant. A further application may be made at the end of the period.*

Refusals

- 11.12 The applicant should be refused a place on a Mother and Baby Unit if her case fails to meet any of the admission criteria.
- 11.13 The mother must be involved in planning the separation if at all possible. Where the safety of the child is at risk, or there is a Care Order or Supervision Order in force, Social Services will take the lead. In these cases, the procedures laid down in the "Framework for the Assessment of Children in Need and their Families" published by the Department of Health in 2000 will be followed. Social Services must carry out this process within the timescales stipulated in this document, which is a maximum of 7 days for an initial assessment and 35 days for a core assessment.
- 11.14 Where an emergency temporary place has been granted and the child is already living with the mother in prison, arrangements must be made to hand the child to an appropriate carer who has been assessed as suitable by the relevant Social Services. Details of that suitability should be given in writing by the authorising body.
- 11.15 The Governor has an obligation to notify the relevant Local Authority of this arrangement so that the necessary checks and procedures may be carried out to ensure the child's welfare.
- 11.16 Additionally, where the Governor has reason to believe that the child may be at risk of harm, the Governor has a duty of care to inform the appropriate authorities who are responsible for carrying out enquiries and, as a result of those enquiries, taking any action to ensure the safety of the child.

- 11.17 *Where the recommendation of the Admission Board is not to allocate a place, the letter and report must give reasons for the decision, make clear whether or not the decision is open to review and, if so, when the mother may apply again. It must also include consideration of a separation plan if the mother is pregnant.*

SECTION 12: CONCLUDING ACTIONS AND DOCUMENTATION

- 12.1 *The Chair must communicate the recommendation of the Board to the Governing Governor of the prison with the MBU within 24 hours of the conclusion of the Board. It is the responsibility of the Governor at that prison to reach the final decision and communicate it to the woman within 2 working days of the Board unless there are exceptional circumstances.*
- 12.2 *Where the prisoner is in another establishment this decision must be communicated by fax or equivalent means to the Governor of the holding prison, who must also ensure that the prisoner is given the written response (and reply form) within 2 working days of the Board's decision, unless there are exceptional circumstances.*
- 12.3 *The minutes of the Admissions Board must be circulated to all attendees, including the applicant, within fourteen days of the meeting.*
- 12.4 The written replies giving the outcome of the Admissions Board should be in the form of the sample letters set out at Annex C.
- 12.5 *The applicant must sign to confirm that she has received this letter. She will retain one dated copy and a second dated copy must be placed on the woman's Application Dossier.*
- 12.6 *The result of the woman's application must also be recorded on her history sheet by a member of wing staff.*

SECTION 13: APPEALS

- 13.1 If a place on a Mother and Baby Unit is conditionally refused, the applicant should endeavour to address those issues raised within the laid-down timescale. On completion of this period, the prisoner may submit a fresh application.
- 13.2 *If a second application from a woman who has had a conditional refusal is turned down or an initial application from a prisoner has been absolutely refused, then the following procedure must be followed:*
- 13.3 If the prisoner applying for a place was not present at the Admission Board or not a participant in the Admissions Board via Video Link, she may request that a Board be reconvened in her presence.
- 13.4 If the prisoner was present at the Admission Board, or a participant in it by Video Link, she has the right of appeal through the requests and complaints procedure to the Head of Women & Young People's Group. The request and complaints procedure is laid down in Prison Service Order 2510.
- 13.5 No impediment should be placed in the way of a prisoner who wishes to express her grievance outside the system, for example, by taking legal advice.

PART III: MANAGING MOTHER AND BABY UNITS**SECTION 14: GENERAL PRINCIPLES AND STAFFING**

- 14.1 As part of his/her responsibility for the safety and management of everyone in the prison, the Governing Governor has overall responsibility for the management of the Mother and Baby Unit. The Governor may delegate management of the Mother and Baby Unit to a member of the Senior Management Team who will be responsible for managing the Unit in conjunction with a multi-disciplinary team.

Staff Recruitment and Training

- 14.2 *Governors must select and recruit their staff in accordance with the instructions contained in the PSO 8100 Recruitment Website.* In addition, Governors may find it helpful to be aware of the Department of Health's "Choosing with Care: the Report of the Committee of Inquiry into the Selection, Development and Management of Staff in Children's Homes" and the resulting Code of Practice which provides advice on recruitment in that specialised field. Copies of these documents may be obtained from: The Stationary Office Ltd., Publication Centre, PO Box 276, London SW8 5DT. Telephone: 0870 600 5522.
- 14.3 It is preferable that unified staff who work on Mother and Baby Units elect to do so as a career choice.
- 14.4 *Governors must ensure that specialist staff hold the appropriate qualifications to do the work required.*
- 14.5 *All staff involved with the Mother and Baby Unit must have clear job descriptions and agreed objectives which identify their roles and responsibilities within the Unit. Accountability and line management must also be clear for each member of staff. Sample Job Descriptions are at Annex H.*
- 14.6 Providing Mother and Baby Units in prisons creates particular risks concerning health and safety and also raises serious and unusual issues of child protection, first aid for children and child resuscitation. There are also unusual legal, practical and parental responsibilities to be addressed. The fact that a member of staff is a parent does not make them automatically competent on those issues. *Governors must ensure that all legal obligations on MBUs are met and that all staff with responsibilities on the Unit are fully competent to meet their unusual duties.*
- 14.7 To assist Governors in this specialist area, the Women's Team in W&YPG in co-operation with Training Services, Shared Services, provides Mother and Baby Unit Training Courses at regular intervals. It is desirable that any training should be completed before staff start work on a Unit.
- 14.8 Managers of Units may require additional training in admissions procedures and separations. This will be undertaken by the appropriate people in the Women's Team, as the need arises.
- 14.9 Clear training records should be kept. Refresher training should be undertaken every three years.
- 14.10 Training should be appropriately profiled within shift patterns.

- 14.11 *As a minimum, there must always be a member of staff on duty (officer or other grade, for example, nursery nurse or Operational Support Grade) who is proficient in health and safety; practical parental responsibility; child protection; and first aid and child/adult resuscitation. It is recognised that at night and weekends it will not always be possible for all these skills to be provided by one individual. Governors must ensure, however, that the Duty Governor or Night Orderly Officer can identify how to make these skills available quickly should the need arise. Staffing levels and qualifications must also comply with public standards, in particular, those relating to crèches, sessional day care and full day care nurseries, whichever is applicable to the Mother and Baby Unit of the prison.*
- 14.12 *Every prison which has a Mother and Baby Unit must have a Contingency Plan in place for child protection, first aid and resuscitation.*
- 14.13 Governors need to be aware that staff involved in the separation of mothers from their babies may need additional support. This is further identified again in paragraph 33.3 in connection with separation procedure.

SECTION 15: CHILD CARE PLANNING

- 15.1 *Governors must ensure that every child who is resident in a Mother and Baby Unit has a Child Care Plan. The Child Care Plan will set out how the best interests of the child will be maintained and promoted during his/her stay with the mother in prison. The Plan must include consideration of separation from the mother, as part of the child's planned development. The Plan must be drawn up as soon as possible, but at the latest within four weeks of admission. The mother will participate fully in this process, along with the relevant professionals.*
- 15.2 The Child Care Plan should cover the following areas: -
- The objective of the Plan
 - What services will be provided
 - The timing and nature of contact between professional workers and the mother/family
 - The purpose of services and professional contact
 - Specific commitments to be met by the mother/family
 - Specific commitments to be met by the professional workers
 - Which components of the Plan are negotiable, and which are not
 - What needs to change, why, and the goals to be achieved
 - What is unacceptable care of the child
 - What sanctions will be used if the child is placed in danger or in renewed danger
 - What are the alternative care arrangements and who is the identified alternative carer.
- 15.3 The Plan is part of an ongoing process, which should allow for proper child development. Where necessary, Social Services should be involved.
- 15.4 A suggested Child Care Plan format is set out at Annex D. Any Care Plan should at least cover the points identified above.

Reviews

- 15.5 *Reviews must be held regularly. The frequency of reviews will be determined by the needs of individual cases but must be at least every eight weeks, and should be programmed in advance. They may be held more often than this for women serving shorter sentences or if there are particular identified problems. The review team should include the mother, the Mother and Baby Unit Manager, health care staff and other relevant staff. Each review will consider the place on the Mother and Baby Unit, the Child Care Plan, the separation plan, an ongoing assessment of the child's development and his/her response to the Unit/prison environment and any other relevant issues. The local Social Services should be involved in the review process as much as possible, as they are part of continuous assessment and are the focal point of ongoing monitoring. Any concerns should be picked up and addressed at these meetings to forestall later problems.*
- 15.6 *These reviews and other relevant information must be recorded and placed in the prisoner's mother and baby file.*
- 15.7 *It is the responsibility of all staff involved with the mother and her child to keep on-going and accurate records. All incidents and significant events must be comprehensively logged. Records should be kept in secure conditions, but in a known location and accessible to all staff.*
- 15.8 *When a prisoner transfers to another prison, all files, including the prisoner's mother and baby file, must accompany the prisoner regardless of whether the child is with the mother.*
- 15.9 *On completion of sentence, the prisoner's file and the child's file must be archived together following normal local procedures.*

SECTION 16: DISCIPLINE ON MBUs

- 16.1 *The requirement for discipline in MBUs is greater than normal. It is part of the ethos of the Units that they are quiet, orderly places with a calm atmosphere primarily for the benefit of the children. Mothers' behaviour is taken into account in the admission process but difficulties can still arise.*
- 16.2 *It must be borne in mind that expulsion from the Unit is a drastic option as it involves separation from a child who may well be more affected than the mother. In consequence, disciplinary options other than expulsion must be fully considered first. If expulsion is considered to be the only option there must be clear evidence to demonstrate that the well-being of the child and /or the other occupants of the Unit are being seriously threatened by the mother's conduct. If the case appears to be approaching this point the National Mother and Baby Co-ordinator must be contacted urgently to assist with the proper resolution of the case.*

SECTION 17: SEARCHING BABIES IN MBUs

- 17.1 *Babies are not prisoners, but one of the conditions that the mother is required to accept when entering a Mother and Baby Unit is that she will permit the searching of her baby as necessary. Records of baby searches should be kept along with the reasons for such searches. The searching of babies should be carried out with sensitivity and in accordance with procedure and training.*
- 17.2 *All staff must be trained in the procedure of searching babies, which is set out in the National Security Framework.*

SECTION 18: DRUG-FREE CONDITIONS AND GUIDANCE ON DRUGS AND DETOXIFICATION

- 18.1 *Governors must ensure that all accommodation where mothers and babies are resident is designated "illicit drug-free".*
- 18.2 *Mothers must agree to remain illicit drug-free whilst on the unit and sign the standard compact to this effect. The standard compact can be found in the prisoner handbook "All about Mother and Baby Units".*
- 18.3 Mother and Baby Units should permit prescribed medication, including the treatment of substance misuse. A woman prisoner on a prescribed Methadone or Buprenorphine (Subutex) withdrawal or maintenance programme, must not be denied a place on a unit simply because of that medication. Her continued residence on the Unit will be subject to successful completion of the withdrawal regime, if this is her chosen option, followed by evidence of absence from illicit or non-prescribed drugs. Such women may also be prescribed Naltrexone as a relapse prevention intervention, and again this is permissible while resident on a Mother and Baby Unit.
- 18.4 This means that a woman on an opiate substitute maintenance programme, a Benzodiazepine reduction regime, or taking Naltrexone should be allowed a place on a Mother and Baby Unit unless there are other factors which preclude her admission. Methadone, Buprenorphine(Subutex) and Naltrexone may be prescribed indefinitely until after release from prison. *In accordance with Prison Service Order 3550 these medications cannot be given in possession, and must be taken (whilst in prison) under strictly supervised conditions. This also applies to any Benzodiazepine medication. This will ensure that the Unit itself remains drug-free. (Additional medication may be prescribed in the future for the treatment of substance misuse, and the same conditions should apply equally to such regimes.)*
- 18.5 Any evidence of these medications being in possession could endanger the health and safety of children or other mothers. If this occurs, the outcome may be separation of the mother from her child because of the risk of harm she presents, either to her own child, or to the other children or mothers resident on the Unit.
- 18.6 *Women who are detoxing during birth, must remain with their child from birth for a minimum of 72 hours, and possibly up to 5 days, as directed by the hospital. This is so the new-born baby is assisted in the withdrawal process by ingesting the mother's milk, and is less likely to become distressed, if he/she can be cared for by the mother immediately after birth.*

Testing

- 18.7 *Governors must ensure that in addition to the standard drug testing procedures there is a procedure for voluntary urine testing for admission to a Mother and Baby Unit.*
- 18.8 A negative illicit drugs test is one of the eligibility criteria for admission to a MBU. The result of the test should be available to the Admissions Board when it reaches a final decision on a mother's application.
- 18.9 As an exception to the usual disciplinary procedures, a positive result from a test to determine admission to a Mother and Baby Unit will not normally result in any disciplinary charge. It may, however, be followed at a later point by a mandatory drugs test on suspicion. *Staff must be made fully aware of this and ensure all applicants understand the situation.*

18.10 Mothers resident on a Mother and Baby Unit who are found guilty at adjudication following a positive test result will have their positions formally reviewed by a Separation Board for possible removal from the unit. The proportionality of any decision should always be borne in mind. In other words, is the degree of risk to the mother's child and/or other residents on the Unit so severe that only separation will resolve it? Have viable alternatives to a separation been considered? If the conclusion is that separation is still necessary, the emergency plans which have been drawn up must be put into action immediately.

Positive Test

18.11 *Staff must support and assist mothers who have lost their original place on a Mother and Baby Unit as a result of a positive drug test with a view to them becoming and remaining drug-free. A place will not be reserved for mothers who have lost their original place on a Mother and Baby Unit as a result of a positive drug test but they may apply again for a place in due course.*

Supplying Drugs/Illegal Possession of a Controlled Drug

18.12 *The safety of children on Mother and Baby Units is paramount. Any mother who is found guilty at adjudication of the illegal possession of a controlled drug, items associated with drug taking or proven to be supplying drugs, must have their case reviewed by a Separations Board and runs the risk of losing her place on the Mother and Baby Unit.*

SECTION 19: FACILITIES, ACTIVITIES AND SERVICES FOR MOTHERS AND BABIES

19.1 Women from some BME groups may be less likely to access health and other services in the community for a variety of reasons. Services should be provided in the prison to meet the needs of all mothers including women from BME backgrounds on MBUs.

Regimes

19.2 *Establishments must take reasonable steps to ensure that prisoners on Mother and Baby Units have access to the full range of regime opportunities available. It is important in providing services for the mother that the requirements for participation in Offending Behaviour Programmes and personal development are encouraged in the context of their own sentence plan.*

Crèche/Nursery

19.3 *Governors must ensure that there is a crèche or nursery facility organised and run by qualified Nursery Nurses to enable mothers to take part in agreed activities, including Offending Behaviour Programmes.*

Facilities for Food Preparation

19.4 *Governors should ensure that facilities, which comply with Health and Safety Regulations, are provided for mothers to prepare appropriate foods for their children.*

Healthcare

19.5 *Governors must ensure that arrangements are in place for babies to have access to as full a range of health visiting services as those available in the community.*

19.6 *Governors must ensure that babies and children have access to a full range of paediatric health services and that mothers' and pregnant women's health care needs are met with reference to Prison Service Health Care Standards.*

Baby Nutrition

- 19.7 *All MBUs must have a written policy on child nutrition, including breastfeeding, based on Department of Health guidelines.*

Parenting

- 19.8 *Mothers must have opportunities to develop parenting skills*

SECTION 20: NURSERY FACILITIES AND STANDARDS

- 20.1 In September 2001, OFSTED took over responsibility for the registration and inspection of day care and childminding for children under 8 from the Local Authorities. This was done through a change in the law provided by the Care Standards Act 2000, which introduced a new Part XA into the Children Act 1989, replacing the existing Part X with respect to England and Wales. One of the effects of this legislation is that, whilst previously the Crown was exempt under the guidance, this is now no longer the case and where day care is provided for children in prisons, registration and compliance with the prescribed standards is mandatory by law. *It is the responsibility of all providers to register under Part XA and to submit a registration application to OFSTED, as it is an offence to provide day care without first being registered.*
- 20.2 There are five different types of provision under the new legislation. Three of them can apply to prison Mother and Baby Units. These are crèche standards, sessional day care standards and full day care standards. *Each standard varies, and each prison must annually register their nursery provision with OFSTED under the appropriate standard. An annual fee must also be paid on registration and re-registration.*
- 20.3 OFSTED Inspectors will inspect the prison's nursery facilities at regular intervals to see whether or not the prison nursery is compliant with the relevant standards. Failure to comply with the standards could mean closure of the facility.
- 20.4 There are eight OFSTED Regional Centres. They are listed below with the contact telephone numbers:

East Midlands	0115 980 4904
Eastern	0127 969 3502
London	0207 560 7004
North East	0113 215 8426
North West	0161 255 4804
South West	0117 948 6904
South East	0148 370 2662
West Midlands	0121 254 2904

- 20.5 Normally, OFSTED inspectors will not visit until the nursery facility has been registered. They are usually willing to give support and advice after registration to enable providers to meet the required standards. The relevant standards with which nursery facilities must comply are published by OFSTED and are available free of charge from the Publications Order Line, telephone number 0845 602 2260.

SECTION 21: CONTACT WITH FAMILY AND THE COMMUNITY

- 21.1 *In recognition of the restrictions of living on a Unit, the Governor must seek ways to provide the babies with a variety of different experiences.* These should include contact with other family members and the outside world. Recognition should also be given to the child's cultural identity wherever practicable. For example, by contact with appropriate outside organisations or groups for advice and guidance on a particular case, or for access to facilities, where feasible, for an identified need. Agencies which may be involved could be Social Services, the Health Authority, Healthcare staff, General Practitioners, nurses, midwives, health visitors, paediatricians, allied health professionals, mental health services, psychologists, educationalists, day care services, Sure Start housing and Probation Services.
- 21.2 *Governors must have systems in place which recognise the need for children to spend time in the community.* For example, visits to parks and shopping. This is particularly important for babies who do not have links with their families. The system should include the Handout Procedures for babies set out in Section 22 and the facility for other suitable and approved persons (for example, nursery nurses) to take the baby out of the prison for periods agreed with the mother.
- 21.3 Mothers should be encouraged to maintain family contacts for their babies where appropriate. If there has been a Framework Assessment involving Social Services, then the contact should be particularly carefully structured and monitored with input from the Social Services and other appropriate professionals, at every stage. This contact may be achieved through visits and stays by the baby with family members, irrespective of the mother's IEP status, but subject to approved assessment.
- 21.4 Women from BME backgrounds may have particular needs. Compounding this issue is the distance from which they may be placed in MBUs far from their homes, given that a higher proportion of women from BME backgrounds will come from urban areas. More women from BME groups may face difficulties seeing children from whom they have been separated and in finding individuals who could assist in taking their child out of the prison on visits.
- 21.5 Foreign National women often have additional difficulty in trying to retain contact with family and other children abroad. Every possible support and advice in order to maintain family links should be offered to these women .

SECTION 22: HANDOUT PROCEDURES FOR BABIES

- 22.1 The procedures in this section relate to encouraging the child's contact with the community but may also be used to allow the mother respite for a short period when that is thought desirable.
- 22.2 Babies are not prisoners, and when they are living in a Prison Mother and Baby Unit, it serves as the children's home. While the mother, in normal circumstances, retains parental responsibility for her child, the Governor simultaneously has a duty of care for the child and the mother.
- 22.3 The Governor has a responsibility for ensuring that children living on a Mother and Baby Unit are only handed to persons who are suitable and appropriate to care for the child and in particular do not present a risk of harm to that child.
- 22.4 *All persons who volunteer to take the child out of the prison, or whom the mother nominates as a suitable person to take her child out must be checked out by the prison as being fit to do so. This includes relatives.*

- 22.5 It is essential that the Governor can demonstrate from records that all reasonable steps have been taken by staff to safeguard the child's health and welfare.
- 22.6 The procedure for carrying out the appropriate checks is as follows:
- On admission to a Mother and Baby Unit, the mother is asked to nominate two individuals who she wishes to take care of her child should she be unable to do so, for any reason, or who she would like to take her child out for visits in the community.
 - The mother records the names and addresses of her nominees on the appropriate application form.
 - These names are then recorded on the woman's history sheet and her application form is forwarded to either the seconded probation staff or prison social worker (if one is available) to contact the relevant Social Services area to do the necessary checks.
- 22.7 When clearance has been received, the nominated persons will be allowed to take the child outside the prison for visits determined and agreed between the mother, the nominee and prison staff.
- 22.8 If clearance is not granted to any of the nominated individuals, the mother may be so advised and will be allowed to nominate a further person.
- 22.9 The child may be searched prior to leaving the prison and when returning to the prison according to local decision. Training on the appropriate searching procedure for a child is included in the MBU Training Course.
- 22.10 *Any concerns about the child or the nominee carer on leaving or returning to the prison must be recorded on the mother's history sheet, the baby's record and the health card record, if applicable.* If the baby has been used to smuggle contraband into the prison, the Governor will wish to review external visiting arrangements for the child.

SECTION 23: RECORD KEEPING.

- 23.1 Clear and accurate record keeping is essential and, in contentious cases, provides the only contemporary evidence of the action taken. The records also demonstrate the routine hard work that has been carried out by MBU staff which might otherwise be difficult to prove to those outside the Unit. Record keeping is a high priority.
- 23.2 The following list provides guidance on the minimum requirements for MBU documentation:
- *Individual History Sheets must be legibly completed with any significant events. These must be signed by the entrant by name and rank and dated. Names must be entered in block capitals underneath so that it is clear who has written the entry.*
 - Unit Occurrence/Handover Books should be legibly written and contain significant events and information. All comments should be factual. This record should tally with that contained in the History Sheets.
 - *A record of letters and visits must be kept. In particular, a record of the woman's temporary release and the dates her child is handed out, for what purpose and to whom is essential.*

- *Other records concerning work, education, probation and social services contact must also be kept by the appropriate personnel.*
- *Health records must be kept on mothers and babies by Health Care staff.*
- *Nursery staff must keep individual records of each child's progress.*
- *If Child Protection issues are raised, a separate monitoring log must be maintained*
- *A Care Plan must be completed for each child.*
- *Minutes must be kept of Reviews on each mother and baby.*

SECTION 24: LOCAL AND NATIONAL MONITORING INFORMATION

- 24.1 *MBUs must provide statistical information on the uptake of mother and baby places to the Women's Team on a weekly basis so that the national situation can be monitored. Governors must ensure that the information (in the agreed format) is updated weekly and provided on Monday of each week to the designated contact in the Women's Team/W&YPG. The Women's Team will keep a record of the figures.*
- 24.2 *Each MBU must also keep a local record of all applications to its MBU and the outcomes. This must include the name of the applicant, age and outcome, including the reasons for any refusal. Copies of the record must be sent to the MBU National Co-ordinator and the designated contact in the Women's Team/W&YPG at the beginning of every month so that a national picture of demand and outcomes can be created. The old records should be retained in accordance with local policy, normally for 7 years.*
- 24.3 *A monthly return of prisoners who are known to be pregnant is also required from all women's prisons. It must be returned in the agreed format to the designated contact in the Women's Team/W&YPG on the first weekday of each month. The Governor must appoint a person to carry out this work and must inform the MBU National Co-ordinator of the person's contact details.*
- 24.4 *A monthly numerical record of births to women in custody must be retained by all women's prisons. A copy of the record must be forwarded to the National Co-ordinator and the designated contact in the Women's Team/W&YPG at the beginning of each month. The Governor must appoint a person to carry out this work and must inform the MBU National Co-ordinator of the person's contact details.*
- 24.5 *The MBU Manager must inform the MBU National Coordinator of changes of personnel working on their Unit as soon as they are known. The information is needed for planning national training and communication arrangements.*
- 24.6 *The presence of any contagious or infectious disease on a Mother and Baby Unit, or in any part of a prison which houses a Mother and Baby Unit, must be notified immediately by the Unit Manager to the MBU National Co-ordinator who without delay will inform other women's prisons. Clearance of the problem must also be notified without delay to the Co-ordinator, who will have an overview of the national picture and will advise the relevant establishments affected.*
- 24.7 *The Unit Manager must send copies of Standard MBU Audits and the intervening self-audits to the National Co-ordinator as they occur. The National Co-ordinator will, on request, give assistance in the MBU self-audit programme.*

- 24.8 *In any case where admission to a Mother and Baby Unit is refused and an appeal or legal action is expected, the Unit Manager or Deputy must send copies of the Admission Board papers to the Co-ordinator immediately.*
- 24.9 *In any case where separation of mother and child becomes contested, which may or may not involve legal intervention, the Unit Manager must inform the National Co-ordinator promptly and forward copies of the relevant documents.*
- 24.10 *Brief details of all separation cases, whether or not contentious, must be sent as they happen to the National Co-ordinator to ensure that accurate records are kept centrally. The details required are name of mother and child, age of mother and child, date of separation and destination of child, e.g. relative, friend, local authority care, etc.*

SECTION 25: HEALTH AND SAFETY: GUIDELINES AND EXAMPLES OF BEST PRACTICE

- 25.1 At Annexes E and F there are some guidelines on Health and Safety issues and some examples of best practice. It should be remembered that the child is not a prisoner, but is living in the prison with the consent of the mother and the agreement of the prison authorities. It therefore follows that the Mother and Baby Unit is the home of the children placed there.
- 25.2 Equally, the mother is a serving prisoner, and the proper application of health and safety principles will apply to her as an inmate, both in the workplace and in association and living areas within the prison.
- 25.3 The Governor and all employees working in the prison have a Civil Duty of Care to both mothers and infants. This will apply to the area of Health and Safety as well as any other areas of responsibility while they are in the care of the Prison Service.
- 25.4 At Annex E is an example of a policy for new and expectant mothers at work. This could apply equally to staff or prisoners.

PART IV: SEPARATIONS

SECTION 26: MOTHERS WITH CHILDREN IN THE COMMUNITY

- 26.1 Being sentenced to prison will separate many women from their children. This adds greatly to the emotional stress of prison and can seriously affect the family left behind. Section 8 provides procedures for women with children to be identified on reception/induction and offers the possibility of very young children being allowed to join their mother in an MBU. But for most that will not be possible or it will not be their wish. It is very important that the mothers are helped to maintain contact with their family to ease the problems of separation. Particular attention should also be paid to the various situations in which a prisoner may be separated from her child whilst in prison – see Section 27 below.
- 26.2 In line with Prison Service Order 4405 (Assisted Prison Visits) and Standard 44 (Prisoners' Family Life), arrangements should be made for regular contact by visits, letters and telephone, especially when it is established that the mother was the primary carer before she came into custody and will be so again when released. The establishment of Family Visits/Days is to be encouraged. It is important that regular visits are facilitated between mother and child.

SECTION 27: PREGNANT WOMEN WHO DO NOT GO TO A MBU

- 27.1 Most women's establishments will have some prisoners who give birth whilst in custody, but who do not go to a Mother and Baby Unit.
- 27.2 For some it will be because Social Services have made the decision in the child's best interests that mother and child should be separated at birth. In those cases Social Services will determine the future carer of the child with the family. In exceptional circumstances, there may be instances where it is felt unsafe to convey the decision to separate until after the birth. In such cases, the decision to withhold the information must be agreed and documented by the prison and relevant Social Services Department.
- 27.3 For others it will be because the woman has decided that the child should be cared for by a relative or friend. That is for the mother to decide, but the relevant Social Services must be contacted to assess whether or not the nominated person is suitable to care for the child and is willing to fulfil the role of carer. If enquiries reveal that these criteria are satisfied, then a plan must be drawn up with the mother's agreement stating when and where care of the child will be transferred to the nominated carer. This will normally be at the hospital. If the nominated person is considered unsuitable after enquiries, the woman must be given the option of an alternative choice of carer who must also be checked by the appropriate authorities.
- 27.4 For yet others it will be because the mother has been refused a place on a MBU. The application will already have involved Social Services in the case and liaison should be maintained with them and the family in determining the future carer of the child.
- 27.5 Where a mother is breast-feeding her child, and it is practicable in the individual circumstances, arrangements should be made at the holding prison for the mother to express her milk, which will be collected by the nominated carer. This is particularly important when a woman is addicted to drugs or has been on a methadone withdrawal programme during her pregnancy, as the addiction may be transferred to the baby who will be withdrawing. The mother's breast milk will assist this process. It is recognised, however, that whilst desirable, this may not be possible, particularly if the woman is located some distance from her home area.

27.6 *If the woman takes legal action, the National Mother and Baby Coordinator, must be informed by telephone within one working day, in order to offer advice and support to the staff involved. Copies of all relevant documentation will then be supplied to the National Mother and Baby Coordinator.*

SECTION 28: TYPES OF SEPARATIONS ON MBUs

Emergency Separations

- 28.1 In all cases of emergency separation the actions taken need to be recorded in detail and be assessed after the event.
- 28.2 Examples of when emergency separation may be necessary are:
- when the mother is ill and cannot look after her child
 - when the child is ill and requires hospitalisation or other medical treatment in the community
 - when the child has a contagious disease and must leave the Unit for the health and well-being of the other residents
 - when it is accepted by Social Services that there is an identified, imminent and serious risk of harm.
- 28.3 *Where circumstances are so critical that separation must be carried out before a Separation Board can be convened, the National Mother and Baby Coordinator must be informed. The separation will be treated as temporary. Further enquiries will be made and a Separation Board should be convened to review the case.*
- 28.4 If the separation is caused by a medical emergency, then it should be explained to the mother and, if possible, the child why the separation must take place. Advice from the medical staff and/or environmental health must be followed in every case. Both mother and child will need support from staff. If it is medically appropriate and beneficial to the child, and the child is located in hospital for the duration of the illness, then visits by the mother to the child must be facilitated. The frequency and duration of these visits will depend on what is reasonable in the circumstances.
- 28.5 If the mother is admitted to hospital, the Separation Plan agreed with the mother must be activated and the child handed out to the approved nominated carer for the duration of the illness. Social Services will need to be involved if there is no suitable nominated carer.
- 28.6 If the separation is caused by an imminent and serious risk of harm as identified by Social Services, the Social Services advice and guidance on separation must be followed throughout.

SECTION 29: INTRODUCTION TO PLANNED SEPARATIONS ON MBUs

29.1 The report of the "Review of Principles, Policies and Procedures on Mother and Babies/Children in Prison" published in 1999 led to the issue of PSO 4801 on the management of Mother and Baby Units. That report made it clear that allowing a child to remain on a Unit until the 18 month limit was not necessarily in the child's best interests

and that there were likely to be cases in which earlier separation would be desirable for the child.

- 29.2 That general view was tested in court in the case of *R (F) v Secretary of State for the Home Department* [2004] (See Section 7.24) and it was accepted as reasonable for the Secretary of State to take that view in that case. As in all cases, the precise decision will depend on the individual circumstances of the case, but as a general guide it is the view of the Prison Service that when the length of the mother's sentence is such that separation is likely to be inevitable because of the 18 month limit, then it is likely to be in the child's best interests to be separated earlier so that the child can bond effectively with an alternative carer for the longer term.
- 29.3 In practical terms this means that mothers who are admitted to a MBU with a long sentence need to be admitted on the understanding that early separation is planned and likely to be the outcome in their case because it is in the child's best interests.
- 29.4 It is also important that staff and managers recognise the difficult and emotional process that is involved. The following Sections of the PSO provide advice on the process based on the practical experience of staff and social services and advice from child care experts.

SECTION 30: PLANNED SEPARATIONS IN MBUs

Separation Plans

- 30.1 *A Separation Plan, which is a condition of admission to a Mother and Baby Unit, must be agreed for each mother and child with the multi-disciplinary team as soon as the mother arrives on the Unit. A clear written record of this Plan must be held on file to be accessible in case of emergency. The mother must be involved in this process.*
- 30.2 *The mother must nominate two appropriate and responsible people to care for her child in case separation is required for any reason. If the first choice is unwilling, unable or unsuitable to care for her child the second carer should be contacted. The nominated persons must be checked for suitability and preparedness to undertake the care of the child with the appropriate Social Services and a report from the appropriate Social Services must be sent to the prison in writing confirming the outcome. See also paragraph 8.19.*
- 30.3 *Under no circumstances must a child be given into the care of a person who is considered unsuitable by the Social Services or who has committed offences of violence against children or sexual offences against children. All nominated persons, including family members, must be checked. If the prison has no evidence, then the judgement of Social Services will have to be relied upon. If no reply to enquiries is received from Social Services, then several letters should be sent and details recorded. See also Section 8.19*
- 30.4 If there are no suitable carers, a child who is separated will be cared for by local Social Services.
- 30.5 *If a woman's domestic circumstances change, the Separation Plan must be revisited and amended as necessary. Where Social Services are involved and they considered it appropriate, an in-depth core assessment of a child may be conducted. This follows the Government's guidelines - Framework for the Assessment of Children in Need and their Families. It will be led by Social Services and involve all relevant agencies and the child's parents and relevant family members. Prison staff should contribute information to this process and can attend meetings as necessary, but they must not lead the assessment.*

When to separate

- 30.6 A child should leave a unit when it is considered to be in his/her best interests. This may mean that the child will leave the unit at an earlier, rather than a later stage, so that he or she is not adversely affected by the prison setting. Ideally, the process of separation should be voluntary, gradually staged wherever possible and conducted over a set period of time, known and clearly understood by all parties involved.
- 30.7 The desirable scenario is that a mother and child are admitted to a Mother and Baby Unit and both leave the Unit together when the mother is released from prison, the child having developed at the same rate as a child living in the community. Although the prison environment is not a natural one, in these circumstances, the balance of advantage is generally for the child to remain with his/her mother.
- 30.8 Expert advice taken by the Prison Service indicates that a child living in prison with his/her mother will become aware of his/her environment at a very early age, but can develop quite normally up until he/she is about 6 to 9 months of age. But the advice also tells us that the distress of the child at separation increases from 2-4 months onwards and that separation at the 18-month stage is when maximum distress is caused. In addition the advice indicates that, if separation is going to be necessary then the ideal time to do so is under 6 months. This gives the child the chance to form a strong bond with another carer which will promote normal development. Each case must therefore be assessed individually and efforts made to find the best balance between these three factors. There are few ideal solutions.
- 30.9 Where possible, separation should be avoided especially when the child is older and the attachment process to his/her main carer has been established: this factor has to be balanced against the child becoming increasingly aware of his/her surroundings in prison and the adverse affect that this may have on him/her. This may mean that where the mother is known to be serving a long sentence in which separation from her child is inevitable, it may well be in the child's best interests to separate from his/her mother not long after the birth.
- 30.10 *Where separation is considered to be inevitable the position on it must be considered as part of the eight-week review process.*
- 30.11 *In separations, as in all other issues concerning mothers and babies, the best interests of the child must be considered. These may be outweighed exceptionally if the mother presents an unacceptable risk to other mothers and/or their children whilst living in the confines of a Prison Mother and Baby Unit and her presence would be detrimental to the majority. This would need to be clearly evidenced and documented.*
- 30.12 *The National Mother and Baby Coordinator must be informed of any contentious separation as soon as it becomes apparent. A contentious separation is one where the mother disputes the intention to separate her from her child and challenges the proposal. This may or may not involve legal action.*
- 30.13 Accurate documentation is essential, particularly if a case is reviewed in the court setting. *Where the case is a sensitive and difficult one, an Independent Separations Board must be convened at the earliest opportunity and must be chaired by an Independent Chair with such members as required co-opted on to the Board.*

SECTION 31: SEPARATION BOARDS

- 31.1 *Separation Boards must always be chaired by an Independent Chair.*
- 31.2 The purpose of an Independent Separation Board is to consider whether to remove a woman from a Mother and Baby Unit bearing in mind:
- The best interests of the child of the woman subject to review and whether those are compatible with the mother's wishes.
 - The best interests of the other mothers and babies on the Unit, if they are likely to be adversely affected by the continued presence of the mother on the Unit
 - Whether or not transfer to another Mother and Baby Unit is a possible and preferable option to exclusion.
- 31.3 There may be many conflicting interests and these must be weighed in the balance and the preferred option selected. *If the conclusion is likely to prove controversial it must be referred to the Head of Women and Young People's Group before implementation.*
- 31.4 *The proceedings of the Board must be fully and accurately minuted.* Administrative support may be required for this purpose.
- 31.5 Membership of the Board should as a minimum be:
- Independent Chair
 - Responsible Governor or MBU Manager
 - Mother, plus a friend or personal officer if desired
 - Social Services representative and/or Probation Officer
- 31.6 If any matters need to be discussed in the absence of the mother a record must be made of the reason for absence.
- 31.7 The Board Chair will make the purpose of the Board clear and ensure that each member present understands their role, and, in particular, the Social Worker must be made aware that he/she is present to represent the child and his/her best interests. This should be recorded in detail at the beginning of the record of the meeting.
- 31.8 The Agenda should cover:
- Case history of the mother prior to present sentence.
 - Reasons why the mother is being considered for removal from the Unit.
 - Whether or not another Unit is a possible option, and if not, why not.
 - What is in the best interests of the child and the likely effect of separation from the mother on the child?
 - What the effect will be on the other mothers and children on the Unit if the status quo is maintained.
 - What are the alternatives for the care of the child if separated from the mother?
 - What, on balance, the Board is recommending as a decision. *If there is a divergence of opinion then this must be accurately and fully recorded, stating who has supported exclusion and who has not and the reasons given for the individual's opinion in each case.*
 - Any issues of race and culture need to be addressed.

- 31.9 *All statements must be supported by facts, and where applicable, by reliable witness statements.*
- 31.10 *The mother must be invited to state her position and be given an opportunity to answer any allegations made against her. She must be allowed to state any reasons why she believes she should be permitted to stay on the Unit and she must be made aware of the reasons why removal is being considered. This must be fully documented.*
- 31.11 The Board's Dossier on the case should be collected and collated within two working days. Administrative support should be provided for this work.
- 31.12 *If the conclusion of the case is to proceed with separation and that is being or is likely to be contested, the dossier must be sent to the Head of Women & Young People's Group for a final decision. In addition, if the decision of a Separation Board is likely to prove controversial for any other reason it too must be referred to the Head of Women & Young People's Group for a final decision. A copy should be sent separately to the National Mother and Baby Coordinator.*
- 31.13 *In cases referred to the Head of Women & Young People's Group under these provisions, the Women's Team will arrange for the mother to be informed in writing of the reasons for the decision. In all other cases the mother must be informed of the decision in writing locally.*

SECTION 32: THE PROCESS OF SEPARATION

- 32.1 *Once the final decision has been made to separate a mother and child, the separation must be carried out without unnecessary delay.*
- 32.2 *Plans must be put in place by the Functional Head of the particular Unit to do this in as sensitive a way as possible. This may be a difficult process and contingency plans must be in place before physical separation to cover all possibilities.*

Planned Separations at Different Ages

- 32.3 Below are best-practice models for planned separations:

Babies and Young Pre-Verbal Children

- Proceed slowly, building up the time the child spends with the new carer and gradually lessen the time he/she spends with his/her mother.
- If the mother is in open conditions and past her facility licence date, it may be possible to grant the mother compassionate leave from prison to enable her to settle the baby with the new carer, supervised by Social Services or Probation.
- If it is not possible, after risk assessment, to release the mother into the community, then the carer should visit the prison daily, or take up residence near the prison for the period of one week for the handover to take place.
- For the first two days, where practicable, the new carer should spend time with the mother and baby during waking hours, learning how to care for him/her but with the mother doing the majority of the child care tasks. The third day, the new carer should care for the baby, spending some time under the mother's supervision. The

remaining days, the new carer should care of the baby with the mother able to consult, but playing little part in the care of her child.

- The mother will need considerable emotional support to let her child go, and in the immediate post-separation period.
- Following separation, if possible, there should be relatively frequent contact (say twice a week) for the next two weeks, then contact frequency can be reduced, or even terminated if the mother wishes it or it seems appropriate in the child's best interests.

Older Children

- Children who have attained some speech and understanding, but who are still young (say 15-18 months) can be prepared for separation to a limited extent through using dolls to play out the forthcoming separation and explaining the reasons for it.
- They are, however, likely to be much more attached to their mother (and vice versa) and therefore avoiding distressful scenes and minimising damage to the child may be more difficult. With the separation policy more firmly in place, it is to be hoped that there will be fewer children in this position.
- For older children, preparation should start at least 2 months before separation with the new carer becoming familiar through regular visits to the child. These visits should concentrate on making a relationship so that the mother should be counselled to take a back seat and to encourage the visitor to play with the child and engage with him/her.
- The final week should be spent with the new carer looking after the child during the day, but the child returning to the mother at night. It should be explained to the child that he/she is going to stay with the new caretaker until his/her mother is released but that he/she will visit regularly.
- Visits should be once a week at first but can then be lessened gradually after he/she has settled in with his/her new carer.
- The mother will need support to let the child go and the carer will also need support and advice to deal with the child's natural expressions of grief.

SECTION 33: POST- SEPARATION MEASURES

33.1 *Governors must ensure procedures are in place to provide support to a mother who has been separated from her child.*

33.2 Support may include:

- the identification of suitable escorting staff including the personal officer particularly where separation occurs at birth or the mother is going outside the prison to hand the baby over to identified carers.
- midwifery and medical support
- choosing a new location within the prison with the mother or transferring her to another prison if suitable and appropriate

- facilitating agreed contact between the mother and her child where the mother and child will be re-united at the conclusion of the mother's sentence
- counselling for the mother in relation to separation
- regular visits between mother and child, where it is planned that the mother will be the primary carer on release.

Support to staff

- 33.3 *Line managers must give support to staff directly involved in the separation process as it can be both stressful and distressing.*
- 33.4 Collective or individual de-briefing may be a useful tool in such circumstances.
- 33.5 Where appropriate and necessary, the services of Staff Care and Welfare Services should be called upon to assist.

Travel documentation foreign national children

- 33.6 It is essential that prior to a mother being deported, two copies of the baby's birth certificate are available along with two copies of the baby's photograph. *The copies of the birth certificate must be obtained immediately after the child's birth, and placed in the mother's valuable property, and going with mother and child if they are transferred.* The reason for this is that, in the past, deportation has been delayed (often for some considerable time) at the end of the mother's sentence because proper travel documentation could not be obtained without the birth certificate.

PSO 4801

ANNEXES

ANNEX A**MOTHER AND BABY UNIT APPLICATION FORM****Name/Number of Applicant:****Date of Application:****Section 1: Child Details****Section 1a: For pregnant mothers applying for a place for their unborn child**

When is the baby due?

Who was your Doctor prior to custody?

Doctor's address

Section 1b: For mothers applying to have their child living with them in prison

Child's date of birth

Sex

Religion

Birth weight

Surname

Forename(s)

Name and address of child's Doctor

Child's current address

Next of kin

Relationship

Address of next of kin

Who was looking after your child (I) before you came into custody?

(ii) Now

Can this continue?

Does your child live with his/her father?

If not, does his/her father have contact?

Please specify the nature and frequency of this contact

Does your child have special needs? (Please state what they are)

Is your child on the Child Protection Register?(Please give the date that this happened)

Why was your child placed on the Child Protection Register?

Section 4: Further Information (To be completed by All Applicants)

Why do you want your child to live with you in prison?

Bearing in mind what is best for your child, how long do you wish him/her to remain there?

Does his/her father support this application?

What alternative living arrangements have you made for your child?

If you will still be in custody when your baby goes back to the community, who will look after him or her?

Address

Telephone number

Other relevant information

Who will look after your baby in an emergency?

Address

Telephone number

Other relevant information

Section 5: Other Children

How many other children do you have?

What ages are they?

Who is looking after them? (Please give names and addresses of all carers)

ANNEX B

Admissions Board for (insert name of mother applying) and (insert name of child)

Establishment:

Date:

AGENDA

Present

Apologies

Prisoner's full name

Number

DOB

Sentence

Expected Release Date

ED/HDC (if applicable)

Home Address

Baby's name

DOB or EDD

Baby's home address

Who is currently looking after baby and relationship to mother/relationship to child

Was mother primary carer prior to custody? Yes/No

If not, why not?

Background Information (attach supporting documentation)

Written Reports (list here and attach)

Verbal Reports (list here; these must be fully minuted)

Agency Reports (list and attach)

Assessment of alternative child care plans (specify what they are)

Assessment of the Best Interests of the Child

Risk Factors (list clearly below)

Any other relevant issues in this case not covered by the above

Decision and Recommendations

Provisional Action Plan

Signed
Board Chair

Date

ANNEX C (1)

ANNEX C: LETTERS COMMUNICATING THE DECISION OF THE ADMISSION BOARD

Annex 1: "Yes" decision, Full Admission

An Admission Board, at which you were present, was held at****.....Prison/YOI on.....****..... to consider your application for a place on a Mother and Baby Unit.

Your application for a place on a Mother and Baby Unit has been granted. The purpose of this is to create as many opportunities as possible for you to exercise and develop your parental responsibilities, duties and skills and to maximise the potential for your child's proper development. You are also expected to participate in the daily regime of the prison.

Your placement on the Mother and Baby Unit will be subject to regular reviews with regard to monitoring your place, progress against the agreed objectives, your child's care plan and any other relevant issues.

It is stressed that, in accordance with (child's name/your child)'s care plan, he/she will leave the Unit when it is considered to be in his/her best interests, which may be before he or she reaches the maximum age limit of the Unit.

You will be assisted to draw up a Separation Plan in conjunction with the multi-disciplinary team.

You will be required to agree to comply with the Unit's regime and to sign your individual Compact to this effect. Your Compact will include those areas identified by the Admissions Board which need to be addressed. These are:- (list to be completed by Board Chair)

Signed:

Governing Governor

.....

APPLICATION FOR A PLACE ON A MOTHER AND BABY UNIT

I....., the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor ofPrison/YOI in respect of my application for a place on the Mother and Baby Unit.

Signed:

Name of Applicant

ANNEX C (2)

Annex 2: “Yes” decision, Temporary Admission while on Remand/Trial/Convicted but unsentenced

An Admission Board, at which you were present/participated in via Video Link (delete as appropriate), was held at ***** Prison/YOI on ***** to consider your application for a place on a Mother and Baby Unit.

Your application for a place has been granted temporarily until you are acquitted or have been awarded a custodial sentence by the court. If you receive a custodial sentence, another Admissions Board will be convened to consider whether remaining on a Mother and Baby Unit is in the best interests of your child, particularly if your sentence is a long one making eventual separation from your child inevitable.

The purpose of your placement on the Mother and Baby Unit is to create as many opportunities as possible for you to exercise and develop your parental responsibilities, duties and skills and to maximise the potential for your child’s proper development. You are also expected to participate in the daily regime of the Prison.

Your placement on the Mother and Baby Unit will be subject to regular reviews with regard to monitoring your place, progress against the agreed objectives, your child’s care plan and other relevant issues.

It is stressed that, in accordance with (child’s name/your child)’s care plan, he/she will leave the Unit when it is considered to be in his/her best interests which may be before he or she reaches the maximum age limit of the Unit.

You will be assisted to draw up a separation plan in conjunction with the multi-disciplinary team.

You will be required to agree to comply with the Unit’s regime and to sign your individual compact to this effect. Your compact will include those areas identified by the Admissions Board which need to be addressed. (List to be completed by Chair)

Signed:

Governing Governor

.....

APPLICATION FOR A PLACE ON A MOTHER AND BABY UNIT

I..... the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor ofPrison/YOI in respect of my application for a place on the Mother and Baby Unit.

Signed:

Name of Applicant

ANNEX C (3)

Annex 3 “Yes” decision, Temporary Admission while the application is being processed

An Admission Board, at which you were present/participated in via Video Link (delete as appropriate) was held at *****Prison/YOI on ***** to consider your application for a place on a Mother and Baby Unit.

In view of the exceptional circumstances (Board Chair to list what these are) in which your child is currently placed, it has been decided that your child will be admitted and you will be granted a temporary place on the Mother and Baby Unit for a period up to 28 days while your application is being processed.

This does not mean that you have an automatic entitlement to a longer-term place, and it may be that you will not be granted a long-term placement on the Unit if the reconvened Admissions Board conclude that it is not in your child’s best interests to remain with you in prison.

You will be present at the reconvened Admissions Board.

While on the Unit, you will be required to agree to comply with the Unit’s regime and to sign an individual compact to this effect.

Signed:

Governing Governor

APPLICATION FOR A PLACE ON A MOTHER AND BABY UNIT

I....., the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor ofPrison/YOI in respect of my application for a place on the Mother and Baby Unit.

Signed:

Name of Applicant

ANNEX C (4)

Annex 4: Conditional Admission

An Admissions Board, at which you were/were not present, was held at ***** Prison/YOI on ***** to consider your application for a place on a Mother and Baby Unit.

Your applicatio0n for a place has been granted, subject to the following additional conditions listed below:-

You will also be required to agree to comply with the Unit's regime and to sign your individual compact to this effect. Your compact will include those areas identified by the Admissions Board which need to be addressed. (List to be completed by Chair).

The purpose of your placement on the Mother and Baby Unit is to create as many opportunities as possible for you to exercise and develop your parental responsibilities, duties and skills and to maximise the potential for your child's proper development. You are also expected to participate in the daily regime of the Prison.

Your placement on the Mother and Baby Unit will be subject to regular reviews with regard to monitoring your place, progress against the agreed objectives, your child's care plan and any other relevant issues.

It is stressed that, in accordance with (child's name) your child's care plan, he/she will leave the Unit when it is considered to be in his/her best interests which may be before he or she reaches the maximum age limit of the Unit.

You will be assisted to draw up a separation plan in conjunction with the multi-disciplinary team.

Signed:

Governing Governor

.....

APPLICATION FOR A PLACE ON A MOTHER AND BABY UNIT

I,, the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor ofPrison/YOI in respect of my application for a place on the Mother and Baby Unit.

Signed:

Name of Applicant

ANNEX C (5)

Annex 5: Emergency Board

An Emergency Admission Board, at which you were present/not present, was held at ***** Prison/YOI on ***** to consider your application for a place on a Mother and Baby Unit.

In view of the exceptional circumstances of your case which are: (Chair to list these below)

you will be admitted to the Unit on an emergency basis. This means that if further information comes to light which makes you unsuitable to remain on the Unit with your child you will not retain your place.

A full Admissions Board will be held once we have all the necessary information, to decide if you will be granted full admission.

It is stressed that, in accordance with (child’s name/your child)’s care plan, he/she will leave the Unit when it is considered to be in his/her best interests which may be before he or she reaches the maximum age limit of the Unit.

You will be assisted to draw up a separation plan in conjunction with the multi-disciplinary team.

You will be required to comply with the Unit’s regime and sign your individual compact to this effect. Your compact will include those areas identified by the Admissions Board which need to be addressed. (List to be completed by Chair)

Signed:

Governing Governor

.....

APPLICATION FOR A PLACE ON A MOTHER AND BABY UNIT

I....., the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor ofPrison/YOI in respect of my application for a place on the Mother and Baby Unit.

Signed:

Name of Applicant

ANNEX C (6)

Annex 6: “No” decision. Board held in presence of prisoner.

An Admission Board, at which you were present/attended via Video Link (delete as appropriate), was held at *****Prison/YOI on ***** to consider your application for a place on a Mother and Baby Unit.

Your application for a place has been refused on the following grounds listed below:

If you wish to appeal against this decision you may do so through the request and complaints procedure to the Head of Women & Young People’s Group. The Liaison Officer will be able to assist you.

Signed:

Governing Governor

.....

APPLICATION FOR A PLACE ON A MOTHER AND BABY UNIT

I..... the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor ofPrison/YOI in respect of my application for a place on the Mother and Baby Unit.

Signed:

Name of Applicant

ANNEX C (7)

Annex 7: “No” decision. Board held in the absence of prisoner.

An Admission Board was held in your absence, at ***** Prison/YOI on ***** to consider your application for a place on a Mother and Baby Unit.

Your application for a place has been refused on the following grounds:

If you wish to appeal against this decision, please complete the attached form requesting a Board to be reconvened in your presence. You should refer to the Mother and Baby Booklet for further guidance. The Liaison Officer will be able to assist you.

Signed:

Governing Governor

APPEAL AGAINST ‘NO’ DECISION:

To the Governor

Prison Name

An Admission Board was held atPrison/YOI onto consider my application for a place on a Mother and Baby Unit. As you know, I was not present at the Board and I was not offered a place.

I confirm that I wish to appeal against this decision and to take up the offer of a Board to be reconvened in my presence. This will give me the opportunity to put my case personally to the Board.

.....

APPLICATION FOR A PLACE ON A MOTHER AND BABY UNIT

I....., the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor ofPrison/YOI in respect of my application for a place on the Mother and Baby Unit.

Signed:

Name of Applicant

ANNEX C (8)

Annex 8: Letter Accepting Appeal of “No” decision

I have considered your appeal against the decision to refuse your application for a place on the Mother and Baby Unit at *****.

Having reviewed the case, I have decided to set aside the original decision and offer you a place so that you may care for your baby.

You will be required to accept the conditions laid down for prisoners on the Mother and Baby Unit which are set out in a Compact which you will be asked to agree to and sign before taking up a place there.

Signed:

Head of Women & Young People’s Group

.....

APPLICATION FOR A PLACE ON A MOTHER AND BABY UNIT

I, the undersigned, confirm that I have received the letter informing me of the decision of the Head of Women & Young People’s Groupin respect of my application for a place on the Mother and Baby Unit.

Signed:

Name of Applicant

ANNEX C (9)

Annex 9: Letter Refusing Appeal of “No” Decision

I have considered your appeal against the decision to refuse your application for a place on the Mother and Baby Unit at *****. Having reviewed the case, I have decided to uphold the original decision on the following grounds:

(Factors will be listed below)

Signed:

Head of Women & Young People’s Group

.....

APPLICATION FOR A PLACE ON A MOTHER AND BABY UNIT

I, the undersigned, confirm that I have received the letter informing me of the decision of the Head of Women & Young people’s Group in respect of my application for a place on a Mother and Baby Unit.

Signed:

Name of Applicant

CHILD CARE PLAN

Child's Name.....**DOB/EDD**.....

Mother's Name.....**DOB**.....

Status (Convicted/remand).....

Sentence (if convicted).....

Date of conviction/trial.....

Earliest possible release date (if known).....

1. List of child's identified needs

Full details listed of child's needs, ensuring that the following areas are covered:

Physical, emotional, age, sex, race, culture, background, any special relevant characteristics.

2. How are these needs to be met?

State first how the child's general needs might be met. Babies on Mother and Baby Units will have fundamental needs to be with their mothers in an appropriate environment.

Also state any specific needs the child has, for example, health needs. *The proposed method of meeting each identified need must be stated.* This will entail giving details of relevant services which may be assessed.

3. Aim and Timescale of Plan

Length of proposed placement.

It is important to remember that the best interests of the child are of primary importance here and this will determine the length of stay, rather than the mother's length of sentence. *If separation is inevitable careful consideration must be given to the point at which it is likely to be in the best interests of the child and cause the least disruption in settling with alternative carers.*

4. Separation

If separation may take place, planning must begin immediately for eventual separation of mother and baby. The mother must be consulted as to potential carers within the extended family and information passed to the relevant Social Services Authorities so that they can assess whether the nominated carers are suitable and appropriate to look after the child.

If no alternative carer is available, then foster care must be arranged by the relevant Social Services Area.

5. Other Services provided by the Local Authority

Details of any other support provided, for example, financial help, family support, or counselling which may be required by the carers of the baby outside the prison must be listed, as should any support services given to mothers while on the Mother and Baby Unit.

6. Other Services provided by the Mother and Baby Unit

Mothers on a Mother and Baby Unit are particularly vulnerable by virtue of their confinement and the long hours spent alone with their baby. The needs arising from this should be examined carefully and consideration given to what forms of support may be given by prison staff or outside agencies. *This must be recorded, where applicable.*

7. Arrangements for Contact

Contact by baby in Mother and Baby Unit with family in the community.

Plans must be made for appropriate contact, dealing with frequency and duration, especially where the baby will be separating from the mother. Contact should increase towards the separation date to ensure that the baby is well-prepared for the move.

Contact by baby in the community with mother in prison.

Contact arrangements must also take account of the mother maintaining contact once the baby has been handed out to alternative carers. This will usually mean additional visits immediately post-separation, to assist both mother and child to adjust to their new respective situations and where the baby will have the mother as the primary carer once she is released from prison.

8. Contingency Plan if placement breaks down

Alternative carers in the community must be identified in advance, to ensure that if a baby needs to be handed out suddenly from the Mother and Baby Unit there is minimum disruption.

9. Arrangements for Health Care

Give full details of any medical examination or treatment which is proposed, including any specialist care in relation to special health needs the child may have. Give names of all medical personnel involved. When born, the child should also be registered with a local General Medical Practitioner.

10. Nursery Provision

Give details of the arrangements for the child's attendance in the nursery facility provided.

11. Implementing the Plan

Give names and details of the staff involved and the part of the plan for which they are responsible.

ANNEX E**NEW & EXPECTANT MOTHERS AT WORK
HEALTH & SAFETY POLICY**

1. The Governor of HMP ----- acknowledges the General Duties placed upon him as the Employer. This is to assess the risk to all his employees, including New and Expectant Mothers to reduce the risk to their Health Safety and Welfare, so far as is reasonably practicable.

2. The requirements of The Management of Health & Safety at Work Regulations 1999 (MHSW99), regulation 16 is more specific in respect of New & Expectant Mothers and states that an employer is required to carry out a Risk Assessment for New & Expectant Mothers.

The definition of a "New and Expectant Mother" is a women who:

- is Pregnant.
- has given birth or suffered a miscarriage after 24 weeks of pregnancy within the last 6 months.
- Is breastfeeding.

3. Where the duties/work/ activity of a New & Expectant Mother are such that they could involve risk, by reason of her condition, to her individual Health, Safety & Welfare, or to that of her baby, certain considerations must be taken into account including her working environment (Physical, Biological or Chemical).

4. The framework guidelines for this Risk Assessment are set out in Instruction to Governors 35/1995 titled 'Pregnant Workers' which should be referred to and followed. This instruction tells Line Mangers which hazards should be considered, how to carry out the risk assessment and who is responsible for completing it.

5. The Risk Assessment MUST be carried out with the New & Expectant Mother taking into account her needs and wishes, as far as is practicable and what is expected of her whilst she is pregnant, including the areas she is expected to work in.

6. The Risk Assessment should: -

- Identify possible hazards
- Consider the likelihood that the hazard will result in a risk to the Health Safety & Welfare of both the mother and unborn child, taking into account existing control measures.

- Identify possible consequences should this occur.
- Record the results of the Assessment

7. After the initial Risk assessment (Recorded on form in Annex A of IG 102/1995) has been carried out the Assessment must be reviewed on a monthly basis and any changes agreed between the Line Manager and the New & Expectant Mother. This should continue during the 3 Trimesters of the pregnancy, or until such time that the member of staff commences her maternity leave.

8. Night working:

There are no restrictions on night working for New and Expectant Mothers. In some cases it may be more beneficial for the individual to continue on a normal shift pattern. However, it must be taken into account after mutual consultation, that under certain circumstances night working may constitute a risk. If it is decided that there is a risk it may result in the new and expectant mother being transferred to suitable daytime work.

9. As the Governor of HMP -****- has a Duty of Care placed upon him as the employer by virtue of the Health & Safety at Work Act 1974 and its associated regulations, by law, he is required to take reasonably practicable steps to ensure the Health, Safety and Welfare of the expectant mother and that of the unborn child. The obligation placed on the new and expectant mother, as an employee, is to inform the Governor in 'WRITING', as soon as possible that she is pregnant, has given birth within 6 months and/ or is breastfeeding (MHSW 99 Regulation 18).

The Governor
HMP
Date

ANNEX F

HMP/YOI

HEALTH & SAFETY POLICY / GUIDANCE FOR PRISONERS

Statement of Purpose

The Governor at HMP /YOI ***** will ensure, so far as is reasonably practicable, that your Health, Safety & Welfare is not effected by his, or a member of his staff's acts or omissions whilst you are in custody at HMP /YOI *****

Statement of Arrangements

He will achieve this by carrying out a risk assessment of all work, leisure and general activities were there is a risk of injury. After these assessments have been carried out a Safe System Of Work (SSOW) will be produced and made available to you for you to follow.

Your Responsibility to the Governor

As a prisoner you have a responsibility to the Governor of HMP/YOI ***** for your own personal Health, Safety & Welfare. You must ensure that your own Safety and the Safety of other around you, is not affected by you during your stay at HMP/YOI *****

If at any time you believe that your Health Safety & Welfare is being affected in any way you should bring to the attention of your landing officer. If he/she is not available or cannot deal with your concerns they will be able to contact the establishments Health & Safety Co-ordinator or his team for guidance and assistance.

In the unfortunate event that you do sustain an accident due to any work activity you must inform either your landing officer or the person responsible for you at the time of the accident immediately. You should tell them how the accident occurred, when and where. You should ask them to make an entry in the establishment's accident book for Prisoners, which is located in *****.on your behalf.

Reporting Chain

1. Personal Officer, Responsible Person, Landing Staff
2. Level Senior Officer
3. Level Principal Officer
4. Level Governor
5. Head of Residential
6. Head of Custody
7. The Governor

At any point in the chain you may ask to speak to the Establishments Health & Safety Co-ordinator or one of the Health & Safety Team, if you feel that your Health, Safety & Welfare concerns are not being dealt with correctly.

If they agree that you have a valid complaint, they will investigate the matter and decide what action would be best to take in resolving your concerns about your Health, Safety & Welfare.

Cleaners, Gardens, Painting Parties, Workshops, General Workers Etc.

If you are employed in any of the above activities or areas of the establishment you should make yourself aware of the cleaning manual, risk assessments and SSOW which affect you. These will assist you in carrying out your tasks in a safe manner. They are available in all areas and should be used. If you have not seen these, ask to look at them to make yourself aware of the Health & Safety risks associated with the work you are doing.

Training

There are training courses available to help you carry out your tasks safely and to look after your Health, Safety & Welfare they are:-

Manual Handling
Food Hygiene
Food Handling

Ask to go on these courses as soon as possible.

Computer Courses.

If you attend a computer course ask for a Display Screen Equipment (DSE) Self-Assessment form to carry out this assessment for your workstation. This could prevent you sustaining an injury due to poor posture, or general workstation layout by you.

“REMEMBER AS THE GOVERNOR OF HMP/YOI *** I CAN ONLY LOOK AFTER YOUR HEALTH, SAFETY & WELFARE IF YOU CO-OPERATE WITH ME BY LOOKING AFTER YOUR OWN HEALTH, SAFETY & WELFARE WHILST YOU ARE IN THE PRISON.”**

**The Governor
HMP/YOI
Date**

ANNEX G**RISK ASSESSMENT**

A Risk Assessment of both the mother and baby must be undertaken when they enter a Mother & Baby Unit. You should use the Risk Assessment Form in Annex 3 of the Health and Safety Guidance note 01/2006.

This Risk Assessment and its Safe System of Work (SSOW) should be carried out in consultation with the Mother. Similarly, the responsibilities the mother has to the Governor to ensure the Health, Safety & Welfare of herself, her baby the other mothers and babies on the unit and staff and visitors to the MBU must be stressed.

In consultation with the mother, the Risk Assessment and SSOW should be reviewed on a monthly basis because of the increase in the baby's mobility. Both parties should sign the review in the section on the Risk Assessment. Should there be any significant changes to the risk Assessment/SSOW a new Risk Assessment Form should be filled in.

ANNEX H**ROLE DESCRIPTIONS FOR MBU PERSONNEL**

On the following pages are the role descriptions for the following personnel:

- [Mother and Baby National Co-ordinator](#)
- [Mother and Baby Independent Chair](#)
- [Mother and Baby Unit Governor](#)
- [Mother and Baby Unit Principal Officer/ Senior Officer](#)
- [Mother and Baby Liaison Officer](#)
- [Mother and Baby Unit Officer](#)
- [Mother and Baby Unit Nursery Nurse](#)
- [Mother and Baby Unit Nursery Manager](#)
- [Mother and Baby Unit Liaison Social Worker](#)
- [Mother and Baby Unit Probation officer](#)

NATIONAL MOTHER AND BABY CO-ORDINATOR

1. Be continuously available to provide operational and policy advice to Governors and Mother and Baby Unit staff.
2. Draft, revise and amend policy documents relating to Mother and Baby issues in the light of any policy changes or legal challenge.
3. Complete periodic visits to all Mother and Baby Units, reporting through Line Management to the Head of Women & Young People's Group.
4. Attend establishment meetings concerning Mother and Baby issues, on request.
5. Attend the bi-annual Mother and Baby Policy Group meeting.
6. Chair the quarterly Independent Chairs and Mother and Baby Unit Managers' meetings.
7. Arrange with Training Services, Shared Services and assist in, where required, the Mother and Baby Unit training course.
Advise Training Services, Shared Services on updates and amendments to that course in the light of policy changes. Assist Training Services, Shared Services in the continuous validation process of the course.
8. Assist Mother and Baby Unit personnel in pre-audit preparation.
9. Inspect incoming data from Mother and Baby Units in order to predict and manage national trends and furnish an overview on Mother and Baby issues.
10. Answer Parliamentary questions and provide briefings and other information to Ministers as required.
11. Assist in the case management of individual mother and babies, in particular in contentious areas.
12. Assist in the management of Judicial Reviews.
13. Work as part of a multi-disciplinary team.
14. Work in an anti-discriminatory, non-confrontational way with all parents and children, challenging discriminatory practice where necessary

MOTHER AND BABY INDEPENDENT CHAIR

1. To work with the Governor/Director of their prison and the National Co-ordinator for Mother and Baby Units. Work with the National Co-ordinator may include the imparting of information about Prison Service MBUs and related training to outside agencies, in particular, individual Social Services' areas.
2. To chair a multi-disciplinary Mother and Baby Unit Admission Board with a view to making a recommendation about admission, taking into account:-
 - (i) the best interests of the child
 - (ii) the necessity to maintain good order and discipline within the Unit and
 - (iii) the health and safety of other babies and prisoners.
3. To meet with the mother prior to the Board to introduce him/herself and explain the nature of the Admissions Board and who will be in attendance.
4. To ensure that all relevant information in the reports or from the attendees is made known and that all participants are given the opportunity to express their views.
5. To clarify contributions when appropriate to ensure that everyone understands them.
6. Where necessary, to explain the need for discussion in the absence of the prisoner.
7. To discuss prior to the Board, where appropriate, any matter(s) which a professional/board member was unable to include in his/her report to reach agreement on how this should be managed successfully.
8. To summarise contributions made by all parties and decisions made, for accurate recording in the minutes.
9. To make a recommendation to the Governing Governor/Director.
10. To complete the Admission Board Front Sheet including conditions of recommendation as agreed by the Board, and to ensure that the recommendations are received by the Governing Governor within one working day. Ensure that the minutes are circulated to all attendees, including the mother, within fourteen days of the meeting.
11. Where the recommendation of the Board is not to allocate a place, to produce a report giving reasons for the decision. This must include a separation plan if the mother is pregnant. The report must make clear whether the decision is open to review and, if so, when the mother may apply again.
12. To ensure that all relevant information in the reports is made known to appropriate persons.
13. *To follow the same procedures in paragraphs 2 to 12 above in relation to the chairing of Separations Boards.*
14. To work in an anti-discriminatory, non-confrontational way with all children and parents and to challenge discriminatory practice where necessary.
15. To attend quarterly Independent Chairs/Mother and Baby Unit Managers meetings, six-monthly Policy Group meetings and ad hoc Independent Chairs meetings when required.

MOTHER AND BABY UNIT GOVERNOR

1. To manage the Mother and Baby Unit as set out in this Prison Service Order/Mother and Baby Handbook on **The Management of the Mother and Baby Units and the Application Process**.
2. To chair Admission Boards in the absence of the Independent Chair. *This must only be exceptional, and the reasons for this occurring must be clearly recorded in the Board minutes.*
3. To be accountable for ensuring that the necessary management information set out in Section 12 reaches the National MBU Co-ordinator on time.
4. To be responsible for ensuring that if the Unit needs to be temporarily closed for any reason, the National MBU Co-ordinator is informed immediately.
5. Work in an anti-discriminatory, non-confrontational way with all children and parents and challenge discriminatory practice where necessary.

MOTHER AND BABY PRINCIPAL OFFICER/ SENIOR OFFICER

1. Work as directed by the Line manager.
2. Supervise, manage, support and advise staff working on the Mother and Baby Unit.
3. Maintain the good order and discipline of the Mother and Baby Unit, encouraging a calm atmosphere conducive to the well-being of the babies.
4. Carry out frequent and irregular management checks on all procedures and documentation to ensure compliance with standards.
5. Attend Admission and Separation Boards and contribute as necessary.
6. Attend Mother and Baby meetings within the establishment and external meetings as directed by the Line Manager.
7. Work as part of a multi-disciplinary team.
8. Work in an anti-discriminatory, non-confrontational way with all parents and children, challenging discriminatory practice where necessary

MOTHER AND BABY LIAISON OFFICER

1. To have a working knowledge of, and be familiar with the Prison Service Order/Mother and Baby Handbook on the Management of Mother and Baby Units and the Application Process and the prisoner handbook, "All about Mother and Baby Units".
2. To advise women applying for a place on a Mother and Baby Unit about the application procedure and the appropriateness of each location for the individual case.
3. To assist women to consider all childcare options available to them.
4. To act as a source of information on Mother and Baby Units for prisoners and staff.
5. To ensure that all eligible women are advised of the Mother and Baby Units during induction and, where appropriate, receive the prisoner handbook "All about Mother and Baby Units".
6. To assist those women who wish to make applications to complete the application form, taking account of any language, learning or other needs.
7. To initiate relevant reports in accordance with the procedures laid out in the Prison Service Order/Handbook on the **Management of Mother and Baby Units and the Application Process**.
8. To liaise with the identified Mother and Baby Unit, having considered the woman's status (remand/sentenced/security category), the age of her child and her home area.
9. To co-ordinate all actions necessary with this application, including inviting and assisting the woman to make a written submission where she is not able to attend the Board either in person or via Video Link.
10. To complete the application dossier and send it to the appropriate Mother and Baby Unit. *In cases of mothers separated from their babies and women in the late stages of pregnancy, every attempt must be made to expedite this process.*
11. To update the woman on the progress of her application, the date of the Admission Board and make arrangements for her attendance when appropriate.
12. To assist the woman to prepare for the Admission Board.
13. To advise the applicant on the appeal process including re-boarding, where applicable.
14. Where the woman is serving a long sentence (that is, where the child will be older than 18 months prior to his/her mother's earliest possible release date) draw to the Governor's attention the need for a separation plan.
15. To maintain an accurate record of all applications made, their date, Board date and subsequent outcome of the application.
16. To maintain regular contact with the Mother and Baby Units, the National Mother and Baby Co-ordinator and the Women's Team in W&YPG. *This must include the following information on the first working day of each month:-*
 1. *The number of applications made to Mother and Baby Units.*
 2. *The number of acceptances to Mother and Baby Units and their location.*
 3. *The number of pregnant women in the establishment.*

- 4 *The number of refusals to Mother and Baby Units and the reasons they have been refused.*
 - 5 *Any other information which may be requested by the National Mother and Baby Co-ordinator from time to time.*
17. To work in an anti-discriminatory, non-confrontational way with all children and parents and challenge discriminatory practice where necessary.

MOTHER AND BABY UNIT OFFICER

1. Where appropriate, to assist in the application process.
2. Attend Admission Boards and Separation Boards and contribute as necessary.
3. Interview and induct new mothers on to the Unit, including an explanation of the Unit rules and the serving of compacts.
4. Attend meetings concerning the Mother and Baby Unit, including the reviews of mothers and their babies.
5. Maintain the good order and discipline of prisoners located on the Mother and Baby Unit, encouraging a calm and peaceful atmosphere at all times.
6. Supervise mothers located on the Unit.
7. Encourage prisoners to take full advantage of guidance, counselling and training available to improve parental skills and sentence planning targets.
8. Complete security checks required on a daily and weekly basis and record checks according to procedures.
9. Maintain a daily register (roll-check) for the Mother and Baby Unit.
10. Maintain the Mother and Baby Observation Book which records prisoner's activities and liaison with outside agencies and families and any significant events.
11. Record accurately any notable occurrences fully and accurately on the prisoner's history sheet and any other relevant documentation.
12. Maintain Health and Safety requirements of the Mother and Baby Unit to ensure a safe environment for mothers, children and staff working on the Unit.
13. Carry out other duties as directed, handing over information to colleagues to assist in the smooth running of the Unit.
14. Work as part of a multi-disciplinary team.
15. Work in an anti-discriminatory, non-confrontational way with all parents and children, challenging discriminatory practice where necessary.

MOTHER AND BABY UNIT NURSERY NURSE

1. Act in a multi-disciplinary team with the responsibility for initiating, implementing and maintaining OFSTED standards of age-appropriate care and stimulation for infants.
2. Organise and provide nursery facilities to meet the needs of the children and their mothers in the prison environment .
3. Work with mothers to meet the needs of their children in the prison environment and, where appropriate, arrange outings with the children in the community.
4. Recommend and maintain a varied and age-appropriate range of equipment, including toys.
5. Ensure a high standard of safety in care.
6. Maintain accurate and up-to-date records, assisting, where appropriate, with the reports for reviews and applications.
7. Participate in liaison with other relevant agencies.
8. Work with others to assist in the assessment and planning of services for mothers and babies on the Unit.
9. Participate in regular team meetings.
10. Demonstrate an understanding of Child Protection issues and a knowledge and application of relevant Child Protection procedures.
11. Work within the constraints of the prison environment and transfer relevant information to Discipline staff and other colleagues.
12. To be supervised and attend training where required and appropriate.
13. Work in an anti-discriminatory, non-confrontational way with all parents and children and challenge discriminatory practice where necessary.

MOTHER AND BABY UNIT NURSERY MANAGER

1. The previous role description of Nursery Nurse will apply.
2. Additionally, the Nursery Manager will supervise, train and manage his/her staff to the laid-down OFSTED standards and will be accountable to the Governor for service-delivery set out in the local contract for the same.

MOTHER AND BABY UNIT LIAISON SOCIAL WORKER

This role description is of the minimum input from a Liaison Social Worker. It is drawn up to allow Units to negotiate an appropriate contract with their Local Authority. The expectation is that Mother and Baby Unit Managers will have strong links with Social Services Departments, especially where local resources can assist in the parenting experience.

Agency Social Workers should not be used, because they are unlikely to have a local social work base providing professional support and local resource networks.

1. Access community services and assessments from relevant Social Services Departments on behalf of mothers and babies in custody.
2. Attend multi-disciplinary meetings relating to the Mother and Baby Unit.
3. Attend Mother and Baby Unit Admission Boards and Separation Boards.
4. Facilitate in the planning of the children leaving the Mother and Baby Unit, in transfer to another prison or the community.
5. Act as a link between social workers in the community and the prison.
6. Act as a link with relevant departments in the Local Authority where fostering is required.
7. Refer to other relevant agencies where necessary.
8. Work in an anti-discriminatory, non-confrontational way with all parents and children, challenging discriminatory practice where necessary.

MOTHER AND BABY UNIT PROBATION OFFICER

Some of the following work is completed by other professional agencies at Mother and Baby Units.

1. Attend Admission Boards and provide an Offending Behaviour Profile covering relevant background information, alcohol and drug misuse and an assessment of the risk of offending in the future.
2. Attend multi-disciplinary meetings, and, where appropriate, provide information on the woman's progress in addressing her offending behaviour and underlying risk factors.
3. Assist in release plans for mother and baby where appropriate.
4. Where applicable, liaise with the home area Probation Service to secure a copy of the Pre-Sentence Report and Previous Convictions Report and seek their views on the woman's placement on a Mother and Baby Unit.
5. Work in an anti-discriminatory, non-confrontational way with all parents and children challenging discriminatory practice where necessary.