



North Ayrshire Child Protection Committee

Child protection practice involving unborn children or infants of mothers in prison

Good Practice Note

January 2015

1. Introduction

Concerns about unborn children or very young children can emerge in all different kinds of circumstances. This good practice note provides guidance on responding to such concerns when they emerge in circumstances that include the mother being in prison. It should be used in conjunction with child protection procedures and local GIRFEC processes. It is also intended to clarify roles and responsibilities, organisational processes and set practice standards in these circumstances.

At the time of writing, all women who would fall within the criteria in this guidance note are accommodated within Cornton Vale Prison. When this position changes later this year, this good practice note will be reviewed.

2. Pregnant Women in Prison

If a woman in prison is thought to be pregnant, the prison will arrange to have the pregnancy confirmed by healthcare colleagues.

Once the pregnancy and estimated date of delivery are confirmed, the prison social work team will refer the mother to North Ayrshire Health & Social Care Partnership. The prison social work team will also notify the relevant Child Protection Advisor within NHS Ayrshire & Arran.

Such a referral constitutes a **child protection referral for an unborn child** and a pre-birth assessment should be initiated. (see section 3 for more details on this type of pre-birth assessment)

Cases are reviewed fortnightly by the prison Mother and Child Team throughout the pregnancy. If the woman is expected to deliver while still in custody, she will be allocated a prison based social worker. The local health visitor is part of these multi-disciplinary meetings. The prison has dedicated Mother & Child Officers, and nursing staff specially trained in addiction issues.

If it is anticipated that the woman is likely to give birth while still in prison, North Ayrshire Health & Social Care Partnership will be asked to undertake a pre- birth assessment. This will be undertaken by Children & Families Fieldwork Services.

If the woman is delivering in custody, Out of Hours Social Work should be alerted and advised of post birth plans. This is the responsibility of the social worker leading the pre-birth assessment.

Whilst the mother is in custody all healthcare needs are met by the prison healthcare team and Forth Valley Royal Hospital midwifery staff.

Women are taken to Forth Valley Royal Hospital to deliver their baby. North Ayrshire Health & Social Care Partnership will be notified by the prison once labour commences using the contact numbers that they have provided.

Women are not handcuffed when pregnant, nor when holding their baby.

3. Pre-birth Assessment involving Women in Prison

Pre- birth assessments must be undertaken promptly and include:

- An assessment of the woman's parenting capacity
- Historical and current factors affecting the woman's parenting capacity
- Any action or support required to counter the impact of these factors on the woman's parenting capacity
- Whether there are child protection concerns in relation to the unborn child and, if so, the nature of these, an analysis of the impact or anticipated impact on the unborn child and any action or support required to reduce these risks.
- Whether the mother will be able to care for the baby during her time in hospital post-birth. This can be up to 72 hours if the baby is being monitored for withdrawal symptoms.
- Whether the mother will be able to offer safe and appropriate care to her baby following discharge from hospital.
- Whether extended family, or friends, are suitable to provide overnight care for the baby in a "shared care" arrangement with the mother.
- Whether the local authority is considering legal measures in respect of the unborn child following birth, such as a child protection order or referral to Scottish Children's Reporters Administration for compulsory measures.

Prison based staff will contribute to this assessment by providing information related to the woman's behaviour in prison.

If, for any reason, the baby is born before the assessment is completed, the baby will remain in hospital until ready for discharge. North Ayrshire Health & Social Care Partnership will be responsible for making appropriate care arrangements for the baby at that point. A baby cannot be admitted to the Mother and Child Unit until all assessment and case conferences are completed and a placement has been approved.

4. Action Following Pre-birth Assessment

If, following the pre-birth assessment, it is decided that a pre-birth child protection conference is required, the prison will facilitate this.

If the pre-birth conference determines that there are sufficient concerns about the unborn child that either (i) their name is then placed on the register, or (ii) that a decision is made to refer the child for compulsory measures, via the children's hearing system, at birth, then plans will require to be made to identify an alternative carer for the baby at birth. The prison is not a safe enough environment for babies who fall into these circumstances.

If there are no child protection concerns, the prison social work team will convene and chair a multi-agency meeting (called a case conference) to discuss the content of the assessments provided and determine whether a placement in the Mother and Baby Unit should be offered to the mum and her baby. The multi-agency meeting would develop a plan to support the woman throughout pregnancy and both mother and baby post birth.

The length of the mother's sentence and her critical dates for progression / release must be taken into account when assessing suitability for placement in the Mother and Child Unit. The closed conditions Unit within the prison can only safely accommodate a child up to the age of 18 months of age, however if the mother has a longer sentence and will be eligible to progress to open conditions her child may remain in her care up to the age of 3 years. Prison-based social work staff will advise on critical dates at assessment stage to enable this to be factored in to assessments and the case conference discussions for care planning purposes.

Community based social work staff would be invited to this meeting. If the baby is to be accommodated in the Mother and Child Unit post-birth the child should be allocated to a Children's & Families social worker, firstly because any child housed in a prison environment should be deemed vulnerable by the Local Authority, and secondly to assist with care planning both pre and post release.

The care plan will be specific to the prison setting and would be reviewed fortnightly at the prison Mother and Child Team meeting.

These meetings will also consider links to extended services and issues such as housing following mum's release from prison.

In some circumstances, dual planning can be considered.

5. Mother & Child Unit

The multi-disciplinary prison team will use the pre-birth assessment to determine whether the woman may be a suitable candidate for the Mother & Child Unit within the prison.

In Cornton vale Prison, the Mother & Child Unit is a 7 bedded unit and there is rarely more than one mother and baby resident at any one time. It is not staffed 24/7. It is managed by the Residential Staff group at Cornton Vale.

The Mother & Child Unit can be experienced as fairly isolating for some women. This needs to be taken into account when assessing whether a woman is a suitable candidate.

Mothers accommodated within the Unit are fully responsible for meeting the care needs of their baby and are offered a range of support to meet their identified needs and those of their baby.

Prison staff will try and identify a "companion" from the general population to live in the Mother & Baby Unit in order to reduce the sense of isolation for the mother. The "companion" is a volunteer from the general population who is assessed as likely to provide stable and caring support to the new mother. They are a low category prisoner who does not smoke or use drugs. The person is approached individually to see if they are interested in being a "companion". Companions can visit the main population however mums are not permitted to take their babies into the mainstream residential Units for safety reasons.

The following are **not accommodated** in the Mother & Child Unit:

- Pregnant women (unless the mother is to have care of her child in prison post-birth)
- Women who are in prison on remand
- Babies in respect of whom there are child protection risks from being in their mother's care
- Babies who are on a child protection register
- Babies who are subject to a child protection order
- Babies who are subject to compulsory measures of supervision via the children's hearing system

The following are considered as suitable candidates for the Mother & Baby Unit:

Women who have been assessed as able to care safely and appropriately for their child, in an isolated environment, without any legal measures or child protection registration, and who have evidenced that they are complying with the prison regime. Where feasible, shared care arrangements with family or friends living in the community are encouraged to facilitate bonding with extended family members and provide respite for the woman.

If women give birth in the community and then receive a custodial sentence they can apply for a place in the Mother & Child Unit subject to the aforementioned criteria being met regarding age of the child and eligibility for placement in the Unit.

While in the Mother & Child Unit, the plan will be developed to replicate community living circumstances as much as possible. For instance, from the time the baby is 3 or 4 months old, a nursery placement can be accessed at the mum's request. This would be available to support the child's social development and the mum's care plan, for example, to allow her to attend education or offending behaviour programmes.

If a woman is accommodated in the Mother & Child Unit and concerns begin to emerge, the prison social work team will convene a multi-disciplinary meeting and invite the allocated Children's & Families worker to attend.

6. Flexibility

The option of placement in the Mother & Child Unit can be kept under review and reconsidered.

For example, while unusual, a baby could be accommodated at birth but then rehabilitated to the mum's care while she is still in prison provided it is considered to be in the best interests of the child and the criteria for placement in the Mother and Child Unit is met. This kind of circumstance would be supported by "Cherub Visits". These are 2 hour unsupervised contact visits between mum and baby which take place in the Family Centre within the prison. In circumstances whereby rehabilitation is being considered the Cherubs Visits should be supervised by the allocated Children's & Families Social Worker to enable them to undertake assessment of mum's handling of the baby. The woman could be moved into the Mother & Child Unit and then have overnight contact with the baby.

7. Shared Care

If there is a shared care arrangement in place, an officer will accompany mum to meet the carer at the gate. Any relevant information would be shared, particularly any health needs. The baby will be "checked over" by mum upon return to the prison.

8. Post Birth

Following birth, babies will be discharged as soon as they are deemed fit. However, if a baby is being monitored for signs of withdrawal they will stay in hospital initially for 72 hours. Women can stay in hospital with their babies during this time. If they choose to return to prison, prison staff can facilitate visits to the hospital if the local authority requested this.

9. Child Protection Orders for Babies Born to Mothers in Prison

If the local authority is seeking a child protection order following the birth of the baby, women will be told they have a right to legal representation. In order for women to be able to attend court to be represented, either at the child protection order application hearing or at subsequent children's hearings, 72 hours notice to the prison is required. In these circumstances, the local authority social worker should write to the Duty Operations Manager at the prison to request the woman's attendance at court.

10. Babies, of Women in Prison, Who Are On The Child Protection Register

Women in prison will not have care of their babies if their child is on the child protection register. If there are no plans to rehabilitate the child to their mother's care on release from prison, the baby's name should be removed from the child protection register at the review child protection conference.

Core groups for babies in these circumstances should take place as per local child protection procedures. Local discretion, on a case by case basis, can be utilised for other aspects of child protection procedures such as weekly visits.

If a baby is removed from their mother's care and is on the child protection register, prison staff will not attend core groups. Women in prison who do not have care of their baby will not have a prison based social worker.

If the plan is to rehabilitate the baby to the mother's care, use should be made of "Cherub Visits" as outlined at section 6 above.

11. Supporting Women in Prison When There Are Concerns About Their Child

Any reports to be presented at any meeting about the child should be forwarded to the prison in advance of the meeting to allow staff the opportunity to prepare the woman. It is essential that the report author has discussed the likely recommendations / outcomes of the report with the woman during the assessment process to ensure that the content of the report does not come as a surprise when prison staff provide a copy to her.

Similarly, the outcome of all such meetings should be promptly shared with prison staff to allow them to support the woman appropriately.

Community social workers should maintain good communication links with prison based social workers and should ensure they have regular contact with the woman in order to build a working relationship.

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