

# PRISON SERVICE JOURNAL

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Special edition:  
Sex and Gender in Prisons

# Contents

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2	Editorial Comment
4	Failing Men: masculinities and gendered pains of Imprisonment  Dr David Maguire
12	Perinatal women’s experiences of access to expertise, information and appropriate medical attention in prison  Kathryn Cahalin, Dr. Matthew Callender, Valentina Lugli and Claire Weston
22	The experiences of women prison governors  Verity Smith

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		<b>Jackson Joseph</b> HMP Leyhill

# November 2021

**29 Incarcerated Motherhood: Reflecting on 100 years of imprisoning mothers**

Dr Lucy Baldwin and Dr Laura Abbott

*Dr Lucy Baldwin is a Senior lecturer in Criminology at De Montfort University and Dr Laura Abbott is a Senior Lecturer in Midwifery at University of Hertfordshire*

**38 Made by men *for men*?  
In search of a gender responsive approach to men in prison**

Omar Phoenix Khan

*Omar Phoenix Khan is a Lecturer at University of Oxford*

**46 One Woman's Struggle for Justice**  
Interview with Marie McCourt

Dr. Jamie Bennett

*Marie McCourt is the mother of Helen McCourt, who was murdered in 1988. She has supported and campaigned on behalf of families of murder victims. She is interviewed by Dr. Jamie Bennett, a Deputy Director in HMPPS.*

**51 Book Review**  
**The Ambiguities of Desistance: Ex-offenders, Higher Education and the Desistance Journey**

Dr Helen Nichols

*Dr Helen Nichols is a Associate Professor in Criminology at the University of Lincoln.*

**53 Interview: Alex Chalk MP, Solicitor General for England and Wales, and former Minister for Prisons and Probation**

Dr. Jamie Bennett

*Alex Chalk is MP for Cheltenham and is currently Solicitor General for England and Wales. He is interviewed by Dr. Jamie Bennett, who is a Deputy Director in HM Prisons and Probation Service*

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The Editorial Board wishes to make clear that the views expressed by contributors are their own and do not necessarily reflect the official views or policies of the Prison Service.

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# Editorial Comment

This special edition of *Prison Service Journal* is a collaboration between the Editor, Dr. Jamie Bennett, and Dr. David Maguire,<sup>1</sup> Honorary Senior Research Associate at the Centre for Education in the Criminal Justice System, Institute of Education, UCL. Dr. Maguire is also author of *Male, Jailed Failed. Masculinities and Revolving Door Imprisonment in the UK*. This edition comprises of articles that are concerned with issues of sex and gender in prisons and wider criminal justice policy and practice.

‘Sex’ and ‘gender’ are often used interchangeably, but the terms have distinct meanings. The UK government<sup>2</sup> defines sex as: ‘referring to the biological aspects of an individual as determined by their anatomy, which is produced by their chromosomes, hormones and their interactions’, that people are ‘generally male or female’ and that sex is ‘something that is assigned at birth’. In contrast, the UK government defines gender as: ‘a social construction relating to behaviours and attributes based on labels of masculinity and femininity; gender identity is a personal, internal perception of oneself and so the gender category someone identifies with may not match the sex they were assigned at birth’ and ‘where an individual may see themselves as a man, a woman, as having no gender, or as having a non-binary gender — where people identify as somewhere on a spectrum between man and woman’.

The relationship between these concepts has become intensely contested in law, social policy and institutional practice. In particular, intense debate around reform of the Gender Recognition Act, which sets the framework for people to change their legal sex in England and Wales<sup>3</sup>, with some arguing that people should be able to self-identify their own legal sex, while the Government have maintained that legal and medical gatekeeping provide appropriate checks and balances in the system. There has also been debate

regarding the operation of the single sex provisions in the Equalities Act, which enable organisations to offer single sex services where that is proportionate and justifiable. This has, for example been applied by organisations providing services such as health, and support for survivors of domestic or sexual abuse. The high-profile organisation, Stonewall, has argued that the exemptions in the Equalities Act allowing single-sex services should be removed<sup>4</sup> and that instead ‘gender identity’ should be a protected characteristic under the Act. The Government has not supported such calls, with then minister for Women and Equalities, Elizabeth Truss, stating that ‘the protection of single-sex spaces...is extremely important’<sup>5</sup>.

This edition of *Prison Service Journal* does not intend to directly intervene in these debates but instead intends to take a more rounded perspective on the salience of sex and gender in understanding the experience of people in prison. The articles explore areas that are often overlooked, including the gendered experiences of male prisoners and the experiences of prison staff. The intention of this edition is to encourage a nuanced examination of how both sex and gender are salient, as indeed is the complex inter-relationships between the material reality of sex and the social construction of gender.

This opening article is Dr. David Maguire’s *Failing Men: masculinities and gendered pains of imprisonment*, which draws upon a wider study of the classed and gendered trajectories of men in a local prison in England<sup>6</sup>. Maguire describes how men in prison often project a masculine image and shield their vulnerability, to avoid exploitation. He also examines how the prison constructed idea of masculinity conflicts with the norms in the community, where men in prison are often absent as fathers and struggle to live up to the traditional working-class role, providing material security as family breadwinners.

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1. David Maguire would like to thank Dr. Mia Harris and Dr. Rachel Tynan for their support in reviewing and editing some of the articles for this special edition.
  2. See <https://www.ons.gov.uk/economy/environmentalaccounts/articles/whatisthedifferencebetweensexandgender/2019-02-21> accessed on 29 August, 2021.
  3. See Fairbairn, C., Gheera, M., and Pyper, D. (2020). *Gender recognition reform: consultation and outcome*. London: House of Commons Library. Available at <https://researchbriefings.files.parliament.uk/documents/CBP-9079/CBP-9079.pdf> accessed on 29 August 2021.
  4. See <https://www.stonewall.org.uk/women-and-equalities-select-committee-inquiry-transgender-equality>. Accessed on 29 August 2021.
  5. See <https://www.gov.uk/government/speeches/minister-for-women-and-equalities-liz-truss-sets-out-priorities-to-women-and-equalities-select-committee>
  6. Maguire, D (2021) *Male, Jailed Failed. Masculinities and Revolving Door Imprisonment in the UK*. Palgrave.

Kathryn Cahalin, along with colleagues from University of Northampton and NHS England, report a study based on 10 women who received perinatal care while in prison. The significance of this issue established in the opening of the article, which sets out estimates that 600 pregnant women are held in prisons in England and Wales and some 100 babies are born to women in prison every year. The article takes a constructive approach, amplifying the experiences of women, including identifying the positive impact of good quality midwifery and the importance of timely and sensitive support. The research, however, also identifies significant challenges including the practicalities of accessing services from within a prison and also how choices and privacy are inevitably taken from those in prison, so for example they may be accompanied by officers, including male officers, that they do not feel comfortable with and may find it difficult to ask prison staff for help with issues including physical and psychological problems post-birth. Cahalin's article directly addresses the material reality of a significant number of women in prison and performs an important service in giving them voice and encouraging a sensitive institutional response.

Prison leadership is becoming more diverse, with over a third of senior leaders being women. Verity Smith, a senior leader in HM Prison and Probation Service contributes an article drawing upon interviews with 14 women working in senior roles in HMPPS. This article neatly illustrates how both sex, in particular the impact of birth and motherhood, and gender, through masculine norms, interact to create barriers for women. Smith argues that these factors expose a dissonance between the expressed values of equality and the reality of the lived experience of women leaders.

Dr Lucy Baldwin, from De Montfort University, and Dr Laura Abbott, from University of Hertfordshire, are both researchers and passionate advocates for the rights of mothers, particularly those in prison. Their article *Incarcerated motherhood: Reflecting on 100 years of imprisoning mothers* draws upon their own empirical research, but is also burning with a sense of injustice and a desire to push for change. Again, the article shows the interplay between the material

realities of birth and motherhood, with the social expectations placed upon women in society. While Baldwin and Abbott applaud the reforming efforts of some inside and outside of the prison system, ultimately they advocate that alternatives to imprisonment should be sought for mothers.

A more theoretical exploration is offered by Omar Phoenix Khan, a Lecturer at University of Oxford, in his article *Made by men for men? In search of a gender responsive approach to men in prison*. Khan argues that prisons predominantly hold men but that the ways that masculinity is constructed are often taken for granted. In a way that echoes the work of David Maguire from an earlier article, Khan argues for greater attention in theory and practice to the ways that masculinity is understood in prisons and conscious attempts to engage with a wider range of male identities.

The special edition closes with a poignant interview with Marie McCourt, mother of Helen McCourt, who was murdered in 1988. The man who murdered Helen has never disclosed the whereabouts of her mortal remains. Marie has continued to search for her daughter for over 30 years and has also supported and campaigned on behalf of families of murder victims. Marie's story is painful and upsetting but deserves to be heard by people working within the criminal justice system, particularly if they are to better provide justice and respect the rights of the victims of crime and their loved ones. Marie and Helen's stories starkly speak of the reality and consequences of violence against women, an issue that was so much in the spotlight following the murders of the young women, Sarah Everard and sisters Bibaa Henry and Nicole Smallman, in London in 2020, and Sabina Nessa in September 2021.

This edition of *Prison Service Journal* does not directly address some of the current controversies regarding sex and gender in the criminal justice system and indeed wider society. Yet it does attempt to reflect upon the salience of both sex, as a material reality, and gender, as a social construction. Examining the influence and, in fact, the interrelationship of both factors is vital to a rounded understanding of the experience of people in prisons.

# Failing Men: masculinities and gendered pains of imprisonment

*Dr David Maguire is Director of Prison Reform Trust's Building Futures Programme and is author of Male, Jailed Failed. Masculinities and Revolving Door Imprisonment in the UK.*

## Introduction

**Men are responsible for most crime and correspondingly it follows that the prison population in England and Wales, indeed across many Western countries, remains relatively static at around 95 per cent male. The profile of most of those that fill our prisons are strikingly similar: predominantly undereducated and underemployed men from some of the most deprived neighbourhoods. Popular representations of these men — in the media, policy debates and sadly some academic discourses — are that they are societies failures: that they are lazy, feckless, lacking aspiration, dangerous, violent, predatory, criminals. Despite this type of attention on the men that fill our prisons, there is a lack of specific academic and/or policy focus on these 'prisoners as men' or their gendered identities. When the specific gendered pains of imprisonment feature in penal scholarship it is often in relation to women in prison<sup>1</sup>. The dearth of research into gender and masculinities of male prisoners is a serious omission considering men's overwhelming presence in criminal justice statistics.**

Drawing from a larger qualitative study<sup>2</sup> that explored the classed and gendered trajectories of men in a local prison in England, this paper, both responding to this omission and disrupting oversimplified representations of prisoners, will focus on the less understood and underacknowledged — yet widespread — gendered vulnerabilities of male prisoners. The discussion that follows draws from and contributes to critical men's studies that have shown how masculinity is something that is situationally configured or socially created between people, language and cultural discourse. This body of scholarship convincingly shows how gender intersects

with social categories to create multiple and hierarchically positioned masculinities. More simply, men 'do masculinity' differently depending on their location (space/ place — re prison), class, race, ethnicity, age, sexuality and so on.

Through the lens of masculinities, I will offer an alternative look at men in prison by focusing on their gendered pains of imprisonment. After briefly reviewing the early key literature on prison masculinities, I will show how in the penal space, isolated from trusted loved ones and under the constant gaze of others who might exploit any sign of vulnerability, the men from this study had to find hard 'front stage' masculine performances in the face of profoundly traumatic life events. The paper will go on to explore how, for many of the men, doing more 'time inside than the out' meant deep rooted guilt at their 'absence as men' and their failures to live up to the working class culturally exalted masculine role of protector and provider. I show how decades lost to 'revolving door' imprisonment were costly and left many in this group longing for 'normal'. The final section will discuss the men's imagined futures, exploring how they held onto a belief in the outdated breadwinner model of masculinity, from their father's generation, as a route to 'normality'.

The paper concludes by arguing for a much wider policy and research focus on the gendered vulnerabilities of men in prison, suggesting some answers might be found here that support a better understanding and subsequent reduction in the harms and pains of imprisonment for incarcerated men.

## Prison Masculinities

Considering men account for most the UK prison population, there is a surprising dearth of research exploring prison masculinities. This is not to argue that

1. See Carlen, P. (1983). *Women's imprisonment: A study in social control* (pp. 39-44). London: Routledge & Kegan Paul; Crewe, B., Hulley, S., & Wright, S. (2017). The gendered pains of life imprisonment. *British Journal of Criminology*, 57(6), 1359-1378. <https://doi.org/10.1093/bjc/azw088>
2. This larger research project was based on participation observation in a local prison and 30 life history interviews with relatively short serving prisoners, described often as 'revolving door prisoners'. The participants were aged between 21 and 44 years old. Names have been changed to protect their anonymity. See Maguire, D (2021) *Male, Jailed Failed. Masculinities and Revolving Door Imprisonment in the UK*. Palgrave.

there is a lack of research on prison, but rather, as Sim<sup>3</sup> points out, much existing research concentrates on 'men as prisoners rather than prisoners as men'. There is a rich body of classical sociological studies on prisons, either centring on debates which claim that prison culture and identities are generated through adaptation to the deprivations of the carceral space<sup>4</sup> or, by contrast, importation debates which suggest that street criminal hierarchies seamlessly import into the prison<sup>5</sup>. Although much of this classical penal scholarship has acknowledged that it is men that fill prisons, there is little or no recognition of the role gender and masculinity play in prison identities.

Even with the more sophisticated theories of masculinities of the 1980s/1990s that moved from a singular masculinity based on sex roles and instead showed how men situationally 'do masculinity' differently depending on class, race, age, sexuality etc<sup>6</sup>, penal scholars were too few and too slow to turn to this gendered lens on male prisoners. Sim<sup>7</sup>, Toch<sup>8</sup> and Sabo et al<sup>9</sup> were among the limited notable exceptions that explored how men in prison configure and reproduce masculine identities and how masculine status is both formed by and shapes prison hierarchies and culture. This early work on prison masculinities found that in the prison manhood is a tenuous condition that must continuously be earned and is always subject to being quickly lost. It showed that both revered and subordinated masculine identities are organised around the adherence and enforcement of a

Although much of this classical penal scholarship has acknowledged that it is men that fill prisons, there is little or no recognition of the role gender and masculinity play in prison identities.

universal prisoner/criminal code. The core ethos of the code centres round not cooperating with '...officials in matters of discipline' and never giving information of any kind, 'especially the kind which may work to harm a fellow prisoner'<sup>10</sup>. Further key elements to the code include being able to 'do your own time' and the often-violent policing of perpetrators of taboo crimes — usually those convicted of sex offences<sup>11</sup>. Adherence to and enforcement of this code, according to Kupers<sup>12</sup>, is what marks a sharp line between those prisoners who are at the top of the prison hierarchy and those who are at the 'feminine' defined bottom.

In much of the limited work exploring gender and men in prison, it has consistently been shown that revered prison masculinities are configured and maintained through physical or fighting prowess and /or showing a propensity for *measured* violence. Sim<sup>13</sup> notes that although violence and aggression is a core part of the prison existence, the type of prison, whether long term (high security), local or open conditions (low security), will determine different forms of masculine hierarchies and performances reliant on varying levels of violence and toughness. Writing on the American penal experience, Toch<sup>14</sup> talks of 'state raised youth' who, after prolonged and multiple levels of exclusions, coming up on the streets and in state institutions have learned to invest in hypermasculinity as a means of self-preservation. A strategy, he suggests, for generating status, avoiding victimization and surviving prison and other spaces of

3. Sim. J. (1994). Tougher than the Rest? Men in prison. In: Newburn, T. and Stanko, E.A. (Eds.). *Just boys doing business?: men, masculinities and crime*, London: Routledge. (p.101).
4. Sykes, G. (2007). *The society of captives: a study of a maximum security prison*. Princeton, NJ : Princeton University Press
5. Irwin, J. and Cressey. D.R. (1962). Thieves, convicts and the inmate culture. *Social Problems* 10: 142–155. DOI: 10.2307/799047 <https://www.jstor.org/stable/799047>
6. See Connell, R. & Messerschmidt, J.W. (2005). Hegemonic masculinity rethinking the concept. *Gender & Society* 19(6): 829–859. <https://doi.org/10.1177/0891243205278639>
7. Sim. J. (1994). Tougher than the Rest? Men in prison. In: Newburn, T. and Stanko, E.A. (Eds.). *Just boys doing business?: men, masculinities and crime*, London: Routledge.
8. Toch, H. (1998). Hypermasculinity and prison violence. In Lee H Bowker (Ed.), *Masculinities and violence*. Thousand Oaks, CA: Sage Publications.
9. Sabo, D. F., Kupers, T. A., & London, W. (Eds.). (2001). *Prison masculinities*. Philadelphia: Temple University Press.
10. Clemmer, D. (1958). *The prison community*. New York: Holt, Reinhart and Winston.(p.152).
11. Ibid; see also Trammell, R. (2009). Values, rules, and keeping the peace: How men describe order and the inmate code in California prisons. *Deviant Behavior*, 30(8), 746–771
12. Kupers, T. A. (2001). Rape and the prison code. In D. F. Sabo, T. A. Kupers, & W. London (Eds.), *Prison masculinities*. Philadelphia: Temple University Press. (115).
13. Sim. J. (1994). Tougher than the Rest? Men in prison. In: Newburn, T. and Stanko, E.A. (Eds.). *Just boys doing business?: men, masculinities and crime*, London: Routledge.
14. See 7

exclusion<sup>15</sup>. Drawing on decades of work with male prisoners, Psychologist Kupers<sup>16</sup> proposes the most dominant prison masculinity is 'toxic masculinity' configured through 'misogyny, homophobia, greed, and (the) violent domination' of 'weaker' men. Jewkes<sup>17</sup> in her research on men in the English prison system found that proving male credentials on the streets, which for many working-class young men often leads to criminal behaviour and consequently imprisonment, is itself a prerequisite to successful adaptation to prison life. She goes on to note that the extreme construction of hyper-masculinity is the almost universal response to adapting to the working-class prison culture.

This important earlier scholarship and much other work on carceral masculinities has certainly opened the interrogation of prisoners as men. There is much more, however, to prison masculinities than just the brutal, dominant and hypermasculine. As Toch<sup>18</sup> observed, men in prison try to live up to prison hyper masculinity long after they can meet the criteria. Encouragingly recent years have seen a growth of studies showing prison masculinities are much more complex, fluid and nuanced than just the brutally violent hard man performance<sup>19</sup>. Along with covering the well documented hyper masculine, Maycock's and Hunt's<sup>20</sup> edited collection *New Perspectives on Prison Masculinities* has chapters on the lesser explored 'softer' prisoner masculinities configured through resources such as compassion and spirituality. Contributing to more broader representations of men in prison, the following discussion focuses not so much on the pains men inflict on each other but on men's own distinct gendered pains of imprisonment.

### Gendered pains of imprisonment

#### *Life Behind the Door: Absent Men*

Encouragingly recent years have seen a growth of studies showing prison masculinities are much more complex, fluid and nuanced than just the brutally violent hard man performance

Most of the men in this study had spent more time in prison than 'on the out'. In nearly all cases this was not the result of having served one single long-term prison sentence, it was as one participant put it: 'life in prison on a multiple instalment plan'. Labelled as 'persistent' offenders or 'career' criminals most of the participants, at the time of research, were well into double figures in prison sentences, with several claiming to have done up to twenty 'stints in jail'. Most of the men started their prison journeys as children, with 12 being imprisoned before completing formal schooling and a further nine before reaching 18 years. From the point of being given their first sentence, the

men talked of having only short periods out of prison before finding themselves back inside, locked away from the significant life events that help to shape and sustain meaningful masculine identities.

The men's absence as (grand) sons, brothers, fathers, and intimate partners was inherently felt throughout all the interviews but was much more profound when the men talked of coping with extreme 'outside' life events. The cost of life in or having connections to neighbourhoods with high rates of poverty and violence seeped through the prison walls with several reporting of having to deal with some of the most difficult and tragic life events

whilst in prison. 37-year-old Isaac, for instance, had spent much of his life trapped in revolving-door cycles of imprisonment — and had lost his father to a violent murder during one of his short spells of freedom. Just weeks later, back in prison, he lost both his younger brother — to an accidental drug overdose — and, then, his mother, following a short illness:

.. when my dad got killed in 2007, I kind of blamed myself a bit for that really.....if I was with him, it would never have happened, ....then my brother died on the last sentence...if I'd not come to prison for him,

15. See also Bengtsson, T.T. (2015). Performing hypermasculinity experiences with confined young offenders. *Men and masculinities* 19 (4): 410–428 <https://doi.org/10.1177/1097184X15595083>; Gooch, K. (2017). 'Kidulthood': Ethnography, juvenile prison violence and the transition from 'boys' to 'men.' *Criminology & Criminal Justice*, 19(1), 80–97. <https://doi.org/10.1177/1748895817741519>
16. Kupers, T.A. (2005). Toxic masculinity as a barrier to mental health treatment in prison. *Journal of Clinical Psychology* 61(6): 713–724. <https://doi.org/10.1002/jclp.20105> .(716).
17. Jewkes Y (2005) Men behind bars. *Men and Masculinities* 8: 44–63. <https://doi.org/10.1177/1097184X03257452> (p.51)
18. Toch, H. (1998). Hypermasculinity and prison violence. In Lee H Bowker (Ed.), *Masculinities and violence*. Thousand Oaks, CA: Sage Publications.
19. Maycock, M., & Hunt, K. (Eds.). (2018). *New perspectives on prison masculinities*. Palgrave Macmillan.
20. Ibid



*he'd still be here. My mam died two weeks after that...(Isaac)*

Another respondent around the same age, Cooper, spoke of his mother's 'suspected' murder just days before he was given a prison sentence. Jerry, whose first of many prison terms was when he was just 15, noted that the toughest jail time he had served was when his partner was violently sexually assaulted while he was inside. He explained another extremely difficult time in prison, when he lost his sister to suicide after she was sent to prison for the first time.

Dwayne, after being outside and out of trouble for 2 years was sent to prison for just 4 weeks for an historical theft offence, was in the process of trying to come to terms with the loss of his new-born son just days earlier.

*I pleaded with the judge to not send me to prison, but he gave me four weeks, which means only doing two — and, with me doing big sentences, I thought 'two weeks is nothing', but I was going to miss...my baby's birth... I've come to jail, missed it and then found out that he was born with brain damage and then died. He lived a week; he lived a week...I need to be out there to look after her. ... (Dwayne).*

Dwayne's moving extract— following his refusal to abandon the interview and insistence on continuing — captures his grief and reflects the difficulty that he experienced at being locked away as a grieving father and unable to be there to 'look after' his partner.

Virtually all of those interviewed talked of having experienced the death of a parent or a significant other whilst they were away. These losses — and the subsequent struggles or suffering of those close to them — brought their absence from the outside world sharply into focus. The men carried a sense of failure and shame for being unable to fulfil what they considered to be their traditional working-class masculine obligations to protect and provide for their families. Adding to Dwayne's grief, for example, was his distress at not 'being there' to look after his partner. Isaac, similarly, felt

that, as the eldest child, he had let his recently deceased father down by 'not being there' to prevent his brother's drug-related death and look after the remaining siblings. Cooper, too — as he expresses below — felt the weight of not fulfilling the responsibilities of the oldest male sibling after the death of his mother:

*...not having my mum, and my brother growing up in jail, it reflects on me, I feel guilty for that, knowing that I showed him what I didn't want to show him if you know what I mean...I sit here and I think that's my fault that.. because I'm like his stepdad in a way...(Cooper)*

It is notable that Cooper felt that his absence as a 'father figure' had contributed to his younger brother following him into the prison system.

#### *Locked Inside*

With such high incidences of tragedy and violence surrounding their lives 'on the out', many were left to deal with incredibly tough life events and the associated emotions alone in a prison cell. Not only were they isolated from the people closest to them at these incredibly difficult and vulnerable times, but they were also among other men that if given the chance would 'ruthlessly' exploit (prolonged)

displays of emotion/grief as a sign of weakness. Aware of this, Isaac expressed his anxiety about the prospect of losing anybody else whilst he was in prison:

*...that's the only thing that scares me these days about coming to prison is if someone else dies, because you can't show that emotion...[When] my brother died, I never came out of my pad for three weeks, I was on a sports course and I never finished that...*

Isaac felt safer hiding himself away in his cell rather than exposing his grief and vulnerability to the other men on the wing. Exploitation and bullying, as many of the men recognised, can often begin under the guise of sympathy or support during difficult times. This is not to suggest that men in prison are not compassionate and supportive to one another. There is evidence in penal

21. See Cohen, S. & Taylor, L. (1981). *Psychological survival: the experience of long-term imprisonment*. 2nd ed. Harmondsworth: Penguin; Laws, B. and Lieber, E. (2020) "King, Warrior, Magician, Lover": Understanding expressions of care among male prisoners, *European Journal of Criminology*. doi: 10.1177/1477370819896207; Tomczak, P. and Bennett, C. (2020) 'Evaluating voluntary sector involvement in mass incarceration: The case of Samaritan prisoner volunteers', *Punishment & Society*, 22(5), pp. 637–657. doi: 10.1177/1462474520915823

scholarship that documents instances of men in prison being compassionate, supportive and caring to each other during difficult times<sup>21</sup>. This was also borne out in my study with several of the men noting they had experienced various forms of support from fellow prisoners including being given toiletries or clothing when they first came to prison, help writing letters or communicating with loved ones outside and support navigating their sentence or with work/education. Others talked of prisoners counselling or supporting them through some of those hardest ‘outside’ life events.

As Dillon suggests, however, it is difficult to strike the right balance; offers of help from the other men in prison — if they are to be accepted at all — have to be accepted with caution:

*...you see, a lad who maybe his girlfriend has left him and the lads try cheering him up, or somebody that's not got any family and they've got no money, there's a lot of guys that help other guys out. But that can also be turned on its head because people can do things for people and they can turn it on the head by saying 'I've done that for you now [you] owe me this, you've got to bring drugs in for me on a visit' and stuff like that, so there is a fine balance...(Dillon)*

Similarly, Mark simply captures the caring and callous nature of his fellow prisoners: ‘I’ve seen cons being caring and considerate sometimes...but they can also be fucking ruthless’. Even at the height of his grief, Dwayne was alert to those who might try to take advantage of him at such a difficult time:

*...when they heard about my bairn dying, all my mates kept asking if I had this or if I need that, but you do see the downside and you see bullies in here...(Dwayne)*

...feeling of failure  
and shame about  
being unable to  
meet their  
protector/provider  
masculine  
obligations as sons,  
siblings and  
partners, many  
were also  
absent fathers.

The prospect of being exploited by other prisoners meant that some of the respondents, like Isaac, were very careful about how they managed their grief/emotions outside of their cells. Penal scholars Crewe<sup>22</sup> and Jewkes<sup>23</sup>, building on Goffman’s<sup>24</sup> dramaturgical concept, have explored the ways in which men in prison manage their private emotional selves in contrast to their public presentations of identity in terms of ‘backstage’ and ‘frontstage’ behaviour. In the prison setting, as Jewkes<sup>25</sup> has noted, backstage — or, in this case, time alone in a cell — is where the ‘basic ontological security system is restored’ or where men can leave their hard-masculine personas at the door. Frontstage is where — as was the case with these respondents — they publicly present hard masculine performances refined over a ‘long process of socialization into male-dominated subcultures as a child, adolescent, and adult’.<sup>26</sup>

Isaac’s isolation, until he could return to putting on a convincing and appropriate masculine front, demonstrates the pressure men in prison face in having to continuously maintain frontstage respected prisoner masculine identity. Under the constant gaze of other prisoners this preservation of status and self is, as they explained, exhausting. Because of the level of adversity many of these men had faced, the hard reality was that they had long learned how vital it was to put on tough masculine ‘frontstage’ performances — often in the face of deeply painful loss, harm, abuse and violence.

Alongside their feeling of failure and shame about being unable to meet their protector/provider masculine obligations as sons, siblings and partners, many were also absent fathers. A third were biological fathers and several others were stepfathers to the children of their partners. Walker<sup>27</sup> in her study of prisoners with children found that their (compromised) roles as fathers prompted them to reflect on the cost of their imprisonment more than almost any other circumstance. This was shown in the experiences of some of the men in my study, as Andy explains:

22. Crewe, B. (2009). *The prisoner society: power, adaptation and social life in an English prison*. Oxford: Oxford University Press.

23. Jewkes Y (2005) Men behind bars. *Men and Masculinities* 8: 44–63. <https://doi.org/10.1177/1097184X03257452>

24. Goffman, E. (1969). *The presentation of self in everyday life*. London: Allen Lane.

25. Jewkes Y (2005) Men behind bars. *Men and Masculinities* 8: 44–63. <https://doi.org/10.1177/1097184X03257452>. P54

26. Ibid p54

27. Walker, L. (2010). “My son gave birth to me”: Offending fathers—generative, reflexive and risky? *British Journal of Social Work* 40(5): 1402–1418. <https://doi.org/10.1093/bjsw/bcp063>

*I got three kids and two grandkids. I thought it was about giving my kids everything they wanted, but it wasn't...they'd of [sic] rather have had me around than sat in jail, I provided for them everything that they needed but I wasn't there on an emotional level when they needed me to be there...(Andy)*

Here, Andy acknowledges that although he thought he had 'provided' what his children really wanted, the means that he had used to provide these things, had resulted in a prison sentence which subsequently meant they had lost out on what they really needed. Andy did not go on to detail the impact of his absence on his children but he did express that he 'worries they are a bit too [much] like he was at their age'.

Other participants calculated their failures as fathers by how many of their children's birthdays and Christmases they had spent in prison. These anniversaries, as one of the men explained, marked the 'hardest days in jail' (Christian). For some the sense of failure and the painful reality at the lost opportunity to be fathers were much more profound on release. Mark, one of the longer serving participants, captures this pain and how his means of dealing with it led him back to prison.

*...got released ...met up with my son, I felt like the floor was swallowing me because I haven't seen him since he was three, he was about 16 or something, he just done his exams and did real well and I went back to the hostel and started smoking gear [heroin], they asked for a drug test and I refused and came back*

These 'absent father' experiences support Ugelvik's<sup>28</sup> assertion that the deprivation of family life — especially regarding contact with children — is one of the most painful aspects of incarceration. An important aspect of this pain, he notes, is the male prisoner's inability to live up to the modern fatherhood ideal and to meet the shifting cultural expectations of fathers. The participants feelings of failure have intensified in

the context of changing and binary definitions of contemporary fatherhood. 'Good' fathers are expected to be emotionally present and actively involved in the lives and welfare of their children. In contrast to this is the 'deficit model' of the absent 'bad' father who abandons his paternal responsibilities.

The experiences of these imprisoned fathers were more nuanced than those that are suggested by the binary or false dichotomy that has been set up between 'good' or 'bad' fathers. Interviews revealed that they typically had complex and difficult relationships with the mothers of their children and, in many cases, with their children themselves. Some wanted to have a more

active role in their child's life but — as has been well-reported in penal scholarship — the unique conditions of incarceration are incompatible with family life. Further, in attempts to minimize the pain, 'burden' and worry of their loved ones outside — a number of the participants reported that they thought it easier for everyone concerned to cut any outside contact. Severing or limiting contact with those on the outside, including their children, as Isaac decided to do, not only minimized the risk of compromising hard prison masculine fronts with emotional ties, but was also a sacrifice to protect their children:

*I would never let her bring my son to [a] place like this and see me in here. I don't want him to have anything to do with it. I don't even like talking to him on the phone because I have to lie...(Isaac)*

Isaac's painful decisions to minimise contact with his son demonstrates his attempts to be a good father, disrupting oversimplified binary representations of fatherhood.

#### *Imagined Futures: Breadwinners?*

When exploring the men's own relationships with those they looked up to as role models, most of the participants of the study struggled to identify anyone. The few that did named their fathers as the men they most admired. Their reverence and respect for their fathers was linked mostly to their 'work ethic', how they fulfilled their 'breadwinner' obligations:

The experiences of these imprisoned fathers were more nuanced than those that are suggested by the binary or false dichotomy that has been set up between 'good' or 'bad' fathers.

28. Ugelvik, T. (2014). Paternal pains of imprisonment: Incarcerated fathers, ethnic minority masculinity and resistance narratives. *Punishment & Society* 16(2): 152–168. <https://doi.org/10.1177/1462474513517020>

*...he's a proud man and he's done well for himself, he don't drink, he's got a beautiful home...he was like a proper man, he'd make sure we'd have food on the table all the time...(Christian)*

Though most of the respondents admired their fathers because they fulfilled their roles as protectors and providers through legitimate hard work, one of the men in the study, Gibson, identified his because of his more 'dodgy little schemes' for earning money — albeit ones that were 'never real high-risk things'.

In an attempt to further explore what their idealised masculinities might look like, the men were asked what qualities they thought characterised a real man:

*...a man has to...if he's married and got children, go out and work and provide for his family, looks after his family and just respects anyone that respects them...(Joe)*

*...what makes a man, one that works and provides for his kids, I can't stand people that have kids and don't provide for them...(Marvin)*

*...being able to support his family, being able to work for his family, being brave and being sensible and having polite manners...(Cooper)*

These responses capture the core and pervasive masculine discourse that held significant meaning in all their lives — that a man must be a 'protector', 'provider' or 'breadwinner'.

Against the powerful backdrop of political and policy-related discourse that propagates the widespread existence of 'intergenerational cultures of worklessness' and criminality among the working classes<sup>29</sup> the high value that the men placed on the 'breadwinner' model was, to a large extent, inspired by the respondents' role-model fathers or other men of that generation from their neighbourhoods.

The difficult truth of the situation not lost on the respondents was that the attributes for 'being a man' that they held so uncompromisingly close were impossible to fulfil from a prison cell. Further, it was notable that even when 'on the out' most of them had failed to attain or sustain legitimate routes to the breadwinner masculine ideals. It was concerning to find that nearly all the respondents were heavily reliant on this breadwinner ideal when talking about their imagined crime- and prison-free futures post release. One respondent, Billy, insightfully confronted the reality and challenges he faced pursuing a pathway to 'normality' through traditional working class masculine ideals.

The difficult truth of the situation not lost on the respondents was that the attributes for 'being a man' that they held so uncompromisingly close were impossible to fulfil from a prison cell.

*...I always used to think, if I had a good girlfriend...I had a place with her and a decent job, I used to think them things would be the things to keep me out of prison, but they haven't, because I've had them all...I don't think you ever become rehabilitated fully.. There is always that voice inside you, you could have it so good and have a good job, a good family life but there'd always be, to me personally, the side to me was [sic] somebody could offer you something and you would risk it and end up losing all that...no matter how much money I'm earning, how much I love or marry...*

Billy was among a small minority of respondents who acknowledged past failures of domesticity or work to 'settle' them down. Nearly all, however, believed that a legitimate job and 'keeping' a 'good' woman (and children) would release them from the cycle of crime and imprisonment. Having spent more time in prison than on the outside most of the men had little experience or knowledge of the fundamental societal and economic changes that render their breadwinning hopes ever more remote. Women's increased economic independence and growing presence in a 'feminised' service-based labour market built on deference, precarity and low pay or 'poor work'<sup>30</sup>, leave many

29. See Macdonald, R., Shildrick, T. & Furlong, A. (2014). In search of "intergenerational cultures of worklessness": hunting the Yeti and shooting zombies. *Critical Social Policy* 34(2): 199–220. <https://doi.org/10.1177/0261018313501825>

30. McDowell, L. (2014) The sexual contract: youth, masculinity and the uncertain promise of waged work in Austerity Britain. *Australian Feminist Studies* 29(79): 31–49. <https://doi.org/10.1080/08164649.2014.901281>

(undereducated/ under-skilled) working class men, without the criminal histories or street/prison battled bodies of these respondents, struggling to meet the outdated breadwinner ideal. Reliance on a provider model from their fathers' generation(s), that most failed to meet previously, is evidently a shaky foundation to build their crime and prison free futures.

### **Conclusion**

In shifting from the usual focus on the brutally violent hyper masculine prisoner, this paper has highlighted some of the less-recognised aspects of prison masculinities. It has charted the men's vulnerabilities, failings, fragilities, and desires to live up to the masculine respectability of past generations. The revolving cycle between the streets of impoverished housing estates and prison, from as early as 15 years old for many, was extremely damaging on many levels for these participants and those closest to them. Their prolonged absence and perceived failures at being the kind of men they looked up to left them carrying profound shame and guilt. The Respondents' perceived failures were compounded by the necessity to manipulate and suppress their grief and/or profound emotional pain 'backstage' in the isolation of their prison cell. Such adaptation strategies, though, can only serve to contribute to the continued construction of problematic and dysfunctional forms of masculinity, arguably culminating in the men being released back

into their troubled environments with few solutions and, perhaps, more difficulties than before they were most recently imprisoned.

Their imagined futures, free from these gendered pains of imprisonment, rested heavily on the prospect of the 'breadwinner' model that — for most of the men — had been unattainable or unsustainable in the past. Prison has not equipped these men in a way that enables them to readily navigate the structural challenges that they will face on release. Rather, the experience of imprisonment has served to intensify the same masculine traits that led to their marginalisation and exclusion in the first instance, thereby contributing to trapping these men in the revolving-door cycle of imprisonment. Their experiences have shown that the more sentences they serve the more entrenched their exclusion on the outside becomes and with it their desire to be the men they aspire to be gets further out or reach.

In offering a snapshot of some of the vulnerabilities of a small group of male prisoners, this paper has shown, following much of the valuable scholarship and advocacy focusing on the gender of women in prison, that men 'do gender' too. A greater academic focus and better recognition in policy debates on the gender related pains of imprisonment and struggles experienced by men will go some way to increase our understanding and offer answers to reducing the harms of imprisonment for this group that account for most of the prison population.

# Perinatal women's experiences of access to expertise, information and appropriate medical attention in prison

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## Introduction

The Birth Companions 'Birth Charter'<sup>1</sup> states that it is estimated that around 600 pregnant women are held in prisons in England and Wales and some 100 babies are born to women in prison every year. However, there is limited research and information on the number and experiences of perinatal women in prison in England, there are no women's prisons in Wales. There are 12 female prisons in England, of which six have Mother and Baby Units (MBU's), where mothers can be housed with their babies up to 18 months old. Prior to NHS England taking responsibility for prison healthcare in England and Wales in 2013, Price<sup>2</sup> argued, there were significant challenges in the provision of equitable care that is both accessible and effective given the specific vulnerabilities, risks and extent of disenfranchisement of this population. Against the backdrop of NHS England taking responsibility for the commissioning of prison healthcare, Edge<sup>3</sup> conducted a scoping review of policy and provision of perinatal healthcare in prisons and found that imprisoned women experience significant levels of emotional and psychological distress during their perinatal period, with two-thirds experiencing depression. Women's experiences of pregnancy, childbirth and early motherhood in prison were generally negative, where they reported feeling unsafe, uncared for, uncomfortable and hungry. In a 2018 study<sup>4</sup> across three prisons involving semi-structured interviews

with 28 pregnant women in prison, it was found that women were unable to access basic comforts, acceptable nutrition and fresh air. Moreover, they feared for their child's safety and the possibility of being separated from them.

There have been significant developments in the last few years in policy and guidance in relation to the specific needs of women in prison and perinatal women. In 2018, Public Health England (PHE) published 'Gender Specific Standards to Improve the Health and Wellbeing for Women in Prison'<sup>5</sup>. The implementation and achievement of the standards is a joint objective of Her Majesty's Prison and Probation Service (HMPPS), NHS England and PHE. The standards highlight the need for a whole systems approach to improving health and wellbeing for all women in prison. The public health standards have 12 specific standards that relate to pregnant women and babies in the prison setting. The 2018 Female Offender Strategy<sup>6</sup> sets out the Government's commitment to a new programme of work with female offenders, with three key priorities: early intervention, an emphasis on community-based solutions, and an aim to make custody as 'effective and as decent as possible for those women who do have to be there'<sup>7</sup>. An accompanying document is the HMPPS Guidance on Working with Women in Custody and the Community<sup>8</sup>, which contains specific guidance on the care of perinatal women in prison. Further, the Birth Companions Birth Charter has been an influential document in stimulating valuable discussion and review of the care provided to pregnant women in prison.

1. Kennedy A., Marshall D., Parkinson D. et al (2016) Birth Charter for women in prisons in England & Wales. Birth Companions, London.
2. Price, S. (2005) Maternity Services for Women in Prison: A Descriptive Study, British Journal of Midwifery. Vol 13 (6) 362–368.
3. Edge, D. (2006) Perinatal Healthcare in Prison: A Scoping Review of Policy and Provision, The Prison Health Research Network. Department of Health, London.
4. Abbott, L (2018) The Incarcerated Pregnancy: An Ethnographic Study of Perinatal Women in English Prisons.
5. Peden, J., McCann, L., O'Moore, E., Phipps, E., Ford, T., Plugge, E., Leaman, J., Sturup-Toft, S. and Connolly, AM. (2018) Gender Specific Standards to Improve the Health & Wellbeing for Women in Prison. Public Health England, London.
6. Ministry of Justice (2018). Supporting data tables: Female offender strategy. Available at: <https://www.gov.uk/government/publications/female-offender-strategy> accessed on 20 October 2019.
7. See n.6. p.3
8. Her Majesty's Prison & Probation Service, The Women's Team (2018) Guidance on Working with Women in Custody and the Community. HMPPS, London.

NHS England outline their commitment to improve the health and care outcomes for those in secure and detained settings and narrowing health inequalities between those in the Criminal Justice System (CJS) and the general population, in the document 'Our Strategic Direction for health services in the Justice System 2016-2020'<sup>9</sup>. NHS England Health and Justice teams commission to the principle of equivalence, meaning that the health needs of a population constrained by their circumstances should receive an equitable service to that offered to the rest of the population. However, Abbott, Scott, Thomas and Weston<sup>10</sup> have highlighted the challenges women imprisoned face during pregnancy compared to women in the community, commenting:

*'Women imprisoned during pregnancy and/or childbirth clearly experience more intense challenges to their choices than their non-incarcerated sisters. The circumstances of pregnant prisoners contrast starkly with best midwifery practice where current practice regarding empowerment, continuity of care, partnership models, support of physiological birth and choice of birth location should be guiding principles.'*<sup>11</sup>

In October 2019, a woman in Bronzefield prison was reported as being found in her cell having given birth unattended; tragically the baby was dead<sup>12</sup>. In response, the Royal College of Midwives called for an urgent review and their statement echoed the principle of equivalence and concern that in practice some imprisoned women were not receiving adequate healthcare during pregnancy<sup>13</sup>. In June 2020, another tragedy was reported to have occurred when a woman

at Styal Prison gave birth to a stillborn baby.<sup>14</sup> These cases have intensified focus on the care of perinatal women in prison, a recognised gap in the evidence base<sup>15</sup>, that this article provides new insight into.

The current study, which was commissioned by NHS England (East), had several aims which included obtaining the views of women who were either pregnant or had given birth in the past 12 months or had their babies with them in the MBU whilst serving a sentence in a prison in England. The interviews with 10 women took place within the prison environment in September 2019<sup>16</sup>. The interviews were analysed thematically, following six steps: 'familiarisation' through reading and re-reading transcripts, 'code

generation', 'theme identification', 'review' of themes and codes, 'labelling themes', and 'report writing'<sup>17</sup>. This paper discusses the experiences of the pregnant women in the prison and the challenges they faced in accessing the expertise, care and support that they needed. It highlights that high quality care is not being achieved due to systematic and cultural challenges within the prison environment. It concludes with a discussion and recommendations on areas of focus to remove blockers to women's ability to access equitable care.

### **Access to the expertise and support of the midwife**

The midwife played the primary and pivotal role in the ante-natal care of women and, therefore, their ability to work within prison is central to the question of equivalence. In the prison, women saw the midwife regularly for appointments. It was clear that the midwife was a highly valued and primary source of information, expertise and support for the women:

The midwife played the primary and pivotal role in the ante-natal care of women and, therefore, their ability to work within prison is central to the question of equivalence.

9. NHS Commissioning (2016) Strategic Direction for Health Services in the Justice System: 2016-2020, Care not Custody, Care in Custody, Care After Custody. NHS England, Leeds.
10. Abbott, L., Scott, T., Thomas, H. & Weston, K. (2020) Pregnancy and Childbirth in English Prisons: Institutional Ignominy and the Pains of Imprisonment. *Sociology of Health & Illness* Vol. 42, No. 3, 2020 ISSN 0141-9889, pp. 660-675 doi: 10.1111/1467-9566.13052
11. See n 10. p.660.
12. Guardian (4 October 2019) Baby dies in UK prison after inmate 'gives birth alone in cell' available at <https://www.theguardian.com/society/2019/oct/04/baby-dies-in-uk-prison-after-inmate-gives-birth-alone-in-cell>
13. The Royal College of Midwives (November 2019) Position Statement: Perinatal women in the Criminal Justice System. RCM, London.
14. Guardian (19 June 2020) Death of baby in Cheshire Prison prompts investigation available at <https://www.theguardian.com/society/2020/jun/19/death-baby-cheshire-prison-prompts-investigation>
15. See n.4.
16. The project was reviewed by the University of Northampton, Faculty of Health and Society Research Ethics Committee and the HM Prison & Probation Service National Research Committee (HMPPS NRC).
17. Braun, V. and Clarke, V. (2006) 'Using thematic analysis in psychology', *Qualitative Research in Psychology*, 3 (2), 77-101.

*'She is lovely I couldn't ask for better support. She always chases stuff up, but she is the only one that does.'*

However, women expressed there were barriers to contacting the midwife as and when they needed to. An important issue impacting women's access to the midwife was the convoluted processes of communication:

*'The big problem is that the information about appointment bookings and medication has to go through from the officer to the nurse and then from the nurse to the midwife, it is a three-way process and it takes a long time and often the information is just not passed on.'*

The women also talked about being assessed by nurses and doctors, and not necessarily having direct access to the midwife. One commented:

*'When I have a problem, I have to ask the officer who tells the nurse who tells the midwife.'*

In addition, there were other barriers in women having direct access to the midwife. The prison has in-cell telephony, so there is the opportunity for women to phone approved numbers at any time. Women reported that they had the midwife's number and that they could obtain information from and message her on the touchscreen kiosk. Women also had access to a 24-hour maternity helpline. However, women noted that a barrier was they did not have credit on their phone or needed to prioritise what they used it for (e.g. family, solicitor, social worker etc). One woman commented that some officers will allow you to use the office phone, but it is 'hit and miss'; she also reported that early in pregnancy she missed two midwife appointments because she was not released from her cell.

Systematic issues such as these hinder women in prison having the same unrestricted access to the care and expertise of the midwife as their non-incarcerated counterparts. Their limited access to appropriate healthcare support and expertise 24/7 undermines the principle of equivalence.

Systematic issues such as these hinder women in prison having the same unrestricted access to the care and expertise of the midwife as their non-incarcerated counterparts.

## **Awareness of, and access to, ante-natal classes**

Ante-natal classes are held at the prison weekly and the charity who run the classes is one of the women's key sources of information. Seven of the women interviewed had attended the classes and were generally very positive about them, considering them extremely useful and informative:

*'The wealth of knowledge is unbelievable...my whole experience would have been completely different without it.'*

The level of care provided by the charity was arguably greater than that experienced in the wider prison environment:

*'First helped with what to expect, advice, leaflets and paperwork, brought in pregnancy books. They were really helpful and I still see them now. They help you out as much as possible. If they don't know something or you ask them to find out something they will always come back to you.'*

However, women talked about a delay in hearing about ante-natal classes provided in the prison, commenting that they heard about it from other women prisoners or at their first appointment with the midwife:

*'Only knew about it because one of the other girls told me about it. When you first come here, they don't tell you anything, didn't know for at least a month or two.'*

*'Didn't know about the classes until a few weeks before giving birth. Should be given information about them.'*

Lack of information between staff members around prisoners' health conditions prevent adequate support and access to services. For example, one woman reported asking to leave the education wing to attend an ante-natal class. The staff on that wing were not aware of her pregnancy and by the time that they verified the information, the class had finished.



A woman also outlined issues that the provider had in getting through security meaning that they lost valuable time:

*'(The provider) also struggles with things like access so they get held up at the gate and then we get a shorter time with them.'*

The provider reported that limited awareness of the class' existence was frustrating, as it did not allow them to support all the women that were eligible for their support. This was due to wider systems issues of the whole prison, such as relying on particular individuals to pass on the details of perinatal women and the establishment having limited data (for example not collecting information of women who had miscarried, had a termination or having a baby in the community).

Lack of information or systematic barriers to women receiving the classes is restricting women's rights to access equivalent care to that in the community and enabling them to care for themselves and know their rights within the prison environment.

#### **Access to assistance in an appropriate time frame**

There were several cases where women didn't consider themselves to have received appropriate clinical support in an acceptable time frame. Here, the lack of perceived urgency and lengthy delays to receive support from a trained professional impacted their mental wellbeing. For example, one woman shared how she had not felt her baby move overnight. She alerted the wing officer in the morning who she described as being very good and acting quickly. However, she was not taken to the hospital until the evening, which she felt was an unacceptable delay and frightening for her. Another woman reported that after experiencing bleeding, she was seen by the nurse, but was told that she could not see the midwife until the next day.

Women talked about having conditions or health episodes that had left them very concerned about themselves, their baby, as well as being in considerable discomfort. For example, one woman reported that she had been suffering from a Urinary Tract Infection (UTI) and that her parent had to ring the prison themselves to

push for it to be dealt with. Once seen, she was told the infection was very bad. Three weeks afterwards, at the time of the interview, she stated she still had not received the antibiotics that had been prescribed.

Two women complained of having very severe tooth pain whilst pregnant and felt unsupported in getting it treated and resolved appropriately:

*'During pregnancy they didn't support me when I got really bad toothache and officers offered painkillers that I shouldn't have (taken) during pregnancy, and said that I should have them or nothing.'*

## **Lack of information or systematic barriers to women receiving the classes is restricting women's rights to access equivalent care to that in the community.**

The other woman had a tooth abscess and reported the difficulty in getting dental appointments in prison. This was also reported in a survey involving over 2700 prisoners<sup>18</sup>, where over 70 per cent of prisoners described it as very difficult to see a dentist, with just over 50 per cent reporting similar problems in accessing a GP.

Also indicated as being problematic were the timings within the establishment that women take medication were not aligned with the times that they need to take these types of medication, so for example morning sickness and indigestion medications.

Within a prison environment, women are reliant on the system and the staff to provide them with the treatment and medication they need at the appropriate time. It is clear from the women's accounts that this does not always happen, which impacts both their physical and mental health and their sense of safety for their child. Particularly concerning is the reporting of incidents by women in which they do not believe that the healthcare professionals had sought advice from the midwife or allowed them to see a midwife immediately despite them presenting with symptoms that they perceived as a threat to their baby.

#### **Communication about medical treatment and test results**

Women often did not feel communicated with about their treatment and care. A woman described how she had asked to see the nurses because she had

18. User Voice (2018) Service Users Views on Prison Healthcare. For the Health and Social Care Committee's Prison Healthcare Inquiry. User Voice, London.

stomach pain. As they were unsure around the nature of the issue, they booked her in for a GP's appointment the next day. However, the GP cancelled the appointment without consulting her and prescribed laxatives:

*'(I) felt shoved to one side and all I am is just a number'.*

One woman gave an example where she received misinformation about the medical attention she would receive. She described herself as being tachycardic, having a high heart rate, and she was told that the doctor would come back and check on her, but they never did. The misinformation about if, and when, they will receive attention compounded their levels of anxiety.

Another woman described how it took her three weeks to receive urgent blood test results, and in the case of certain tests, she never received the results. She reported that in the end you 'just give up asking'. It was clear from other comments that women became disfranchised and worried about speaking out or complaining:

*'If you complain too much you get known as a person that complains and they won't even bother with you, they won't deal with you at all.'*

*'I just don't bother with them. Don't feel like you can ask because you don't get nowhere.'*

*'If you need anything you are told to stop nagging.'*

Women in prison are in a difficult position as they need to weigh up the perceived benefits and costs of speaking out and asking questions or making requests. It was clear from the interviews that women became disempowered and, in some cases, gave up on asking for information or things that they needed in relation to their pregnancy not to be labelled as a complainer or troublemaker and receiving even less support. A couple of women had made complaints about particular incidents but reported that they had received no response.

## Access to mental health support

Women prisoners have a notably higher prevalence of mental health problems than male prisoners and the general population<sup>19,20</sup>. Moreover, there is an increased likelihood of mental health problems in the perinatal period: between 10 and 20 per cent of women will suffer from mental health problems during pregnancy and birth<sup>21</sup>. Evidence now demonstrates *'that maternal mental health problems are associated with a variety of adverse outcomes for women and children'*<sup>22</sup>. Three of the women interviewed stated that they needed counselling, one of which was receiving it and described it as 'really good'. She had been referred by the midwife and reported that the midwife had to make a strong case for it, which took a long time to be approved. Only after having suicidal and self-harm thoughts did she receive counselling:

*'Unless you are actually self-harming you are not taken seriously.'*

Two other women stated that they needed counselling, one had been referred by the midwife but had not yet been seen at the time of the interview. She felt that she really needed counselling as she described herself as suffering from Post-traumatic stress disorder (PTSD). The third woman had been under the Mental Health Team but they had closed her case despite her still feeling she needed counselling—*'they just said that they couldn't help me'*. She said that no information as to why her case had been closed was provided.

It is also important to note that social support is an important factor in mental health<sup>23</sup>. However, women are imprisoned further from home and receive fewer visits than men<sup>24</sup>. Some of the women reported having no support network 'on the outside', and those that did have an external support network did not have free access to them, hindered by geographical distances, lack of credit on phones, and restrictions on and delays in the postal system:

*'This is not my allocated jail and my family are far away so they can't visit. I'm on a waiting list to be moved but being told different dates for when I will be going home.'*

19. Light, M., Grant, E. and Hopkins, K. (2013) Gender differences in substance misuse and mental health amongst prisoners. Ministry of Justice, London.
20. McManus, S., Meltzer, H., Brugha, T., Bebbington, P., and Jenkins, R. (2009) Adult Psychiatric morbidity in England, 2007 Results of a household survey. The NHS Information Centre, Leeds.
21. Ayers, S. and Shakespeare, J. (2015). Should perinatal mental health be everyone's business? Primary Health Care Research and Development, 16(4), 323-325.
22. See n. 20, p.323
23. Harandi, T.F., Taghinasab, M.M. and Nayeri, T.D. (2017) The correlation of social support with mental health: A meta-analysis; Electron Physician. 2017 Sep; 9(9): 5212–5222.
24. Prison Reform Trust (2017) Why focus on reducing women's imprisonment, Prison Reform Trust Briefing. Prison Reform Trust, London.

*'No facilitation for support with outside family. Asked for a visit with my partner who is in another prison. You get one weekly letter and have to pay if want more which can be a problem if you don't have a job.'*

Women lack family support at key moments in their pregnancy, such as appointments and scans, for security reasons and short notice:

*'We are not allowed to take any family with us, especially because we just don't know the day that we are going to be taken to hospital, they just tell us on the day so there is no time to contact our family.'*

Mental health provision was consistently highlighted as an area of concern by all professionals, both internal to the prison and external service providers. In particular, they noted the lack of a perinatal mental health specialist, which they felt was much needed due to the high level of vulnerability amongst the women. This may be an issue of equivalence to the community as there are an increasing number of perinatal community mental health specialist services. It was also suggested that within the context of the prison, there are different perceptions of what constitutes a significant mental health issue in a prison setting as opposed to the community as mental health issues are much more prevalent. Women who are separated from their babies were highlighted as a group that the professionals (including the midwife, the outside providers of ante-natal classes and prison staff involved in the care of perinatal women) were particularly concerned about, with there being no formal package of mental health support for them through this traumatic event in their lives.

Perinatal women in prison are particularly at risk of experiencing mental health problems, which evidence now demonstrates could have significant negative consequences for themselves and their babies<sup>252627</sup>.

## Women lack family support at key moments in their pregnancy, such as appointments and scans, for security reasons and short notice:

Women experienced difficulties accessing mental health services unless they indicated harm or suicidal thoughts, possibly being deemed as lower risk and/or need to residents in the wider population. In addition, women either had no support network to rely on, which can be a protective factor, or had limited access to it.

### Healthcare needs and dignity

Women in this study, at times, outlined that they had degrading experiences when attending hospital appointments or scans. Three women described having been handcuffed. One woman described it as 'absolutely degrading'. She reported having to stand in the maternity unit for the appointment with other parents staring at her whilst handcuffed and under guard. Another woman outlined how she was handcuffed and under guard throughout the whole scan visit. Finally, a third woman reported that when taken to an appointment for an internal scan, the female officer refused to leave the room when asked. The Birth Charter<sup>28</sup> recommends that where scans or appointments need to happen in hospital officers should observe prison guidance which specifies that they should not be present during medical consultations. One woman recounted that a male and female officer had been present throughout her labour. She reported that the female officer was extremely supportive, but the male officer did not leave the room and was situated at the bottom of the bed during the entire labour. She described that she was in too much pain to ask him to leave, whilst her partner was afraid to challenge it for fear that he himself would be made to leave thereby missing the birth of his child.

Additionally, women do not always have the option of speaking to an appropriate person about their needs, which can be sensitive at times. One woman reported that she didn't feel comfortable to speak to officers about her specific health needs but had no other option:

25. Grote, N., Bridge, J., Gavin, A., Melville, J., Iyengar, S and Katon, W. (2010) A Meta-analysis of Depression During Pregnancy and the Risk of Preterm Birth, Low Birth Weight, and Intrauterine Growth Restriction. Arch Gen Psychiatry, Oct; 67(10): 1012– 1024.
26. Staneva, A, Bogossian, F., Pritchard, M. & Wittkowski, A. (2015) The effect of maternal depression, anxiety, and perceived stress during pregnancy on preterm birth: A systematic review, Women and Birth, vol. 28 (3) 179-193. <https://doi.org/10.1016/j.wombi.2015.02.00>
27. Talge, N. & Glover, V. (2007) Antenatal maternal stress and long term effects on child neurodevelopment : how and why?, J Child Psychol Psychiatry, 2007 Mar-Apr (3-4) 245-61.
28. See n.1

*'I don't feel comfortable talking to officers. I have a bladder weakness problem since pregnant and asked for towels, they gave me adult nappies which is not what I needed. Didn't really want to speak to a male about my bladder weakness problem.'*

One woman recounted that she was in the chapel for Sunday service and she desperately needed to go to the toilet but the officers would not let her go — *'I thought I was going to wet myself'*. It was only because her fellow women protested saying that she was pregnant that officers relented. The officer then said she would take her to the toilet but would not bring her back to the chapel. The woman said that she wanted to go back to church because it was her faith.

Another woman reported that she had to walk around in clothes that didn't fit her:

*'I had to walk round in t-shirts that are too short, with my belly hanging out. I felt trumpy and embarrassed.'*

These testimonies illustrate that during their pregnancies women in prison endure humiliations and a degradation of their dignity. The prison regime can be unsympathetic to the specific needs of pregnant women, with their status as a prisoner being given priority.

### Discussion

This article highlights the experiences of women in prison who are pregnant or have given birth, providing important and previously unheard dimensions to understand the access to care and the quality of treatment provided. The accounts of women demonstrate challenges in their ability to access appropriate services and treatment as and when they needed it, which in some cases was a potentially high risk to their safety and that of their baby. Pregnant women as with all those incarcerated are in a position of powerlessness: their testimonies illustrate that they are not always listened to, which can leave them feeling disempowered and some suggested that they 'give up'

on asking for their needs to be met. Lines<sup>29</sup> outlines in his paper the long-standing principle that the State owes a higher standard of care to those it imprisons than it does to those outside of prison because they have complete control over the day to day lives of the detainee and responsibility for their wellbeing.

We argue that to achieve equivalence in care for perinatal women in prison, or as advocated above an enhanced service, requires that systematic and cultural challenges are identified in the prison environment in which the pathway for the perinatal care of women is embedded. Wider evidence suggests that many of the issues experienced by perinatal women are symptomatic of wider issue of quality of healthcare to prisoners. In the Prison Health: Twelfth report of Session 2017-19<sup>30</sup>, it was reported that prisoners *'often struggle to get health*

*concerns acted upon in a timely way'*, *'prisoners can experience problems getting help in an emergency'*, *'prisoners report having to convince prison staff that they need urgent help'* and *'prisoners' complaints often go unanswered'*. In evidence to the Prison Health Report Her Majesty's Inspectorate of Prisons commented that consistent themes of health care provision include the adverse impact of staff shortages and insufficient training (both of healthcare and prison staff) have on health outcomes for prisoners as well as the adverse impact of restricted regimes.

It is important that perinatal care in prison takes into consideration the pregnant woman's whole experience in the system and how that impacts on her health and wellbeing and that of her babies. As stated in the National Partnership Agreement for Prison Healthcare in England 2018-2021<sup>31</sup>, *'Improving overall health and wellbeing may be as much about changes to regime, custodial staffing levels, food, accommodation, access to exercise, training, employment etc. as delivering specific health services. There is an inter dependency of health and custodial service'*.

### Conclusion and recommendations

It is important to acknowledge that this paper reflects the experiences of 10 women in one prison and

Wider evidence suggests that many of the issues experienced by perinatal women are symptomatic of wider issue of quality of healthcare to prisoners.

29. Lines, R. (2006) From equivalence of standards to equivalence of objectives: The entitlement of prisoners to health care standards higher than those outside prisons. *International Journal of Prisoner Health*, 2(4) p. 269-280.

30. House of Commons Health & Social Care Committee (2018) Prison Health. Twelfth Health Report of Session 2017-19. Ordered by the House of Commons, London.

31. HM Government and NHS England (2018) National Partnership Agreement for Prison Healthcare in England 2018-2021

therefore caution should be exercised over generalisability. Future studies should seek to explore and compare womens' experiences of healthcare between different prison settings, to enable consideration of contextual and policy influences. It is important to note in this study that the women were generally very positive about the care provided by the midwife and the support provided by the charity who deliver the ante-natal classes. In addition, other innovative practices were highlighted by professionals in the prison such as the provision of weekly 'pregnancy packs' that contain extra nutritionally valuable foods. However, the findings presented in this paper echo and build upon other recent research that highlights that women's ability to access support, care, information and maintain their dignity is compromised by aspects of the prison regime. Key areas of focus should include:

**Access to appropriate expertise in a timely manner**

— There were instances where women described having concerning symptoms such as bleeding or not feeling their baby move overnight in which they felt that they had not received appropriate treatment and access to the expertise of the midwife in a timely manner. Similar concerns that healthcare staff and officers are taking decisions that a qualified midwife should take is an issue that has been previously identified in research<sup>32</sup> and raised in a joint submission, by The Royal College of Midwives and Birth Companions, to the prison healthcare inquiry, Health and Social Care Committee in May 2018<sup>33</sup>:

*'Healthcare staff and officers may currently be making decisions for which they are unqualified, putting women, babies and themselves at risk.'* (p.4)

It is essential that women are empowered from the beginning of their sentence with information about their rights, where they can access support and information about perinatal care, birth and options after birth.

It is important to ensure clear communications and protocols between prison healthcare teams and midwifery teams, as there is the potential to put mothers and babies at significant risk. It is also essential that women are communicated with to ensure that they are fully aware of who is making the decisions regarding their care and the expertise of the midwife is sought as appropriate and in a timely manner. The Royal College of Midwives released a position statement on Perinatal women in the criminal justice system<sup>34</sup>, with recommendations including, full implementation of the Birth Companions Birth

Charter<sup>35</sup> and there should be a specific Prison Service Instruction for perinatal women taking a first 1001 days approach. Birth Companions have produced a toolkit to assist prisons in the implementation of the Birth Charter recommendations.<sup>36</sup>

On July 31st 2020, the Ministry of Justice announced a new policy to improve the care for pregnant women and mothers in prison. The reforms follow a review of Mother and Baby Units (MBUs) in prison<sup>37</sup> and will mean that every female prison will have a resident mother and baby specialist to act as a single point of contact to women their families and staff; there will be training rolled out for staff on looking after pregnant women and an advisory group will be

established, which will include women who are currently or have formerly been in prison, to ensure the monitoring of these reforms, and that learning.

**Empowerment of women through information**

— It is essential that women are empowered from the beginning of their sentence with information about their rights, where they can access support and information about perinatal care, birth and options after birth. In this study many of the women were told little on entry and were dependent on other prisoners for information provision. Ford<sup>38</sup> also found

32. See n.4

33. The Royal College of Midwives and Birth Companions (May, 2018) Royal College of Midwives and Birth Companions Joint Submission to the prison healthcare inquiry, Health and Social Care Committee. p.12

34. Royal College Of Midwifery (2019) Position Statement: Perinatal Women in the Criminal Justice System. The Royal College of Midwives, London.

35. See n.1

36. Birth Companions (2019) The Birth Charter Toolkit, Birth Companions, London.

37. Ministry of Justice (2020) Review of operational policy on pregnancy, Mother and Baby Units and maternal separation: Summary report of the review of PSI 49/2014 and operational policy on pregnancy and women separated from children under 2 in prison. Ministry of Justice, London.

38. Ford, J (2009) Information needs of women in prison with mental health issues. Nacro, London.

this to be the case in relation to information regarding mental health issues in female prisons. The study highlighted that the format of information is very important due to lower levels of literacy within the prison population and English not being the first language for a high proportion of female prisoners. Leaflets were seen as a good means of imparting information as they are something women can refer back to.

**Availability and access to support** — Women who are pregnant in prison can feel isolated, they often do not have support networks on the outside or have limited access to them and although there are some internal support networks, their access to them can be time specific and intermittent. Special attention needs to be paid to unblocking access to these key support networks — particularly the midwife — but also internal and external providers of specialist support. Further, there needs to be a wider cultural shift in which all staff are encouraged, trained and supported in meeting the needs of perinatal women to ensure continuous access to support. Abbott et al.<sup>39</sup> discussed how officers would talk about pregnant women using dehumanising terms such as ‘the pregnant’s’. Women in this study relied on the support of a small number of individuals and felt less able to seek support from officers, recounting experiences where they felt that they had been treated unfairly or felt dehumanised.

As noted above, the Ministry of Justice<sup>40</sup> have committed to rolling out training to increase knowledge across the Women’s Estate of how best to care for perinatal women in custody. This training will be mandatory for the proposed pregnancy and mother and baby liaison officers and the wider staff network ‘based on the needs of the prison’. It is important that this training is monitored and evaluated in terms of its content, targeting and impact.

**Wider prison issues impact on perinatal women’s care** — One of the National Prison Healthcare Board’s priorities between 2018—21<sup>41</sup> is to

*‘develop and apply a whole prison approach to health and wellbeing that ensures that the regime, activities and staffing facilitate an environment that promotes good health and wellbeing and reduces violence for all prisoners, including those with protected characteristics.’* A study looking at the use of peer support health interventions in prison highlighted the extrinsic factors that affect the successful implementation of a health initiative, which included institutional buy in, security factors, staff support and resistance, prisoner preferences, awareness and prison turnover<sup>42</sup>.

A valuable research avenue would be to consult with staff and officers within prisons around perinatal care in prison and their own confidence in addressing the needs of perinatal women. In addition, prison staff also need support, they may feel uncomfortable in supporting perinatal women, in particular in roles such as escorting a woman who will be separated from their baby. It is important to determine the extent to which they feel that the establishment culture prioritises the protection and support of perinatal women. Care cannot rely on a small number of individuals and a pathway specific to perinatal women but must be embedded in the wider system and constantly prioritised.

**Catering for the specific needs of perinatal women and the prioritisation of their needs within the prison environment** — It is important to reflect that pregnancy and maternity is a protected characteristic in the Equality Act 2010. The National Partnership Agreement for Prison Healthcare in England 2018-2021<sup>43</sup> makes particular reference to meeting *‘the need for valid, reliable, timely and sensitive data to describe health needs among people in prison, the effectiveness of health service providers and health outcomes, how well services meet identified needs, including the needs of diverse groups, and the impact of policy decisions on health and social care provision for all people in prisons, particularly those with protected characteristics’*. However, there is no mention of pregnancy or maternity

Care cannot rely on a small number of individuals and a pathway specific to perinatal women but must be embedded in the wider system and constantly prioritised.

39. See n.9

40. See n.29

41. See n.20

42. South, J., Woodall, J., Kinsella, K. and Bagnall, A-M. (2016) A qualitative synthesis of the positive and negative impacts related to delivery of peer-based health interventions in prison settings. BMC Health Serv Res 16, 525 (2016). <https://doi.org/10.1186/s12913-016-1753-3>

43. See n. 9

in 'Her Majesty's Prison and Probation Service Offender Equalities Annual Report, 2017/18'<sup>44</sup> apart from the demographic breakdown of Mother and Baby Unit assessments and entries.

This lack of monitoring in relation to whether perinatal women's needs are being met is likely as a result of them being largely invisible at a National level due to the lack of centrally collated data. This is acknowledged in the Ministry of Justice's<sup>45</sup> Review of operational policy on pregnancy, Mother and Baby Units and Maternal Separation which comments:

*'The feedback via national publications such as the JCHR report on the Right to family life and the Royal College of Midwives' Position Statement consistently refer to the need for published datasets on births and pregnancy, as a minimum. The revised policy and guidance will, therefore, be accompanied by publication of a wider range of data in the MoJ Annual Digest. This will meet the need for greater transparency that stakeholders have called for, and that we agree is necessary to demonstrate an understanding of our prison demographic, and therefore the scale and type of support they might require. For the first time, we plan to extend published national data to include a quarterly snapshot of the pregnant population and the annual number of births taking place during women's sentences.'*<sup>46</sup>

The collection and publication of this data will undoubtedly be a step forward in understanding the scale of perinatal needs in prison. However, data monitoring needs also to provide insight into the extent to which perinatal women's needs are being met by the

system and a better understanding of the perinatal outcomes for these women.

In this study women gave examples, where they felt that their pregnancy and related needs had not been considered. In two cases women had to persuade prison officers that they were, in fact, pregnant. Crawley and Sparks<sup>47</sup> highlighted the concept of 'institutional thoughtlessness', which refers to the prison system not catering for the specific health needs of a particular group. Abbott et al.<sup>48</sup> noted that this term can also apply to perinatal women and commented that the '*distinct status afforded to mainstream society was mainly absent in prison...their pregnancy afforded no special treatment*'.

The provision of appropriate mental health care for perinatal women is essential and critical to good health outcomes — Imprisoned perinatal women have significant risk of suffering from mental health issues, and research demonstrates that mental health issues, even when mild to moderate, can have significant negative outcomes for mother and baby. Therefore, it is important that mental health assessments processes take into consideration the specific risks to a pregnant woman and her baby even if they have mild to moderate mental health needs that may go untreated in the wider prison population. Her Majesty's Chief Inspector of Prisons highlighted the gap in mental health services commissioned in prisons<sup>49</sup>, particularly in relation to services catering for people with mild to moderate mental health needs (e.g. psychological services, counselling etc). In addition, the system needs to be able to cater for the specific needs of perinatal women in prison for example, that they may be separated from their child and are likely to need specialist counselling and support. Specialist perinatal mental health services are emerging in communities and therefore this is an issue in equivalence.

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44. Ministry of Justice (2018) Her Majesty's Prison and Probation Service Offender Equalities Annual Report, 2017/18. Ministry of Justice, London.

45. See n. 29

46. See n. 39, p. 13

47. Crawley, E. and Sparks, R. (2005) Hidden Injuries? Researching the experiences of older men in English Prisons, The Howard Journal of Criminal Justice, September 2005, Vol.44 (4), No.4, p.345-56.

48. See n. 9. p.5

49. Her Majesty's Chief Inspector of Prisons (2018) Written Evidence from Her Majesty's Chief Inspector of Prisons to the Health and Social Care Committee's Inquiry on Prison Healthcare, London.

# The experiences of women prison governors

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## Background

**Historically, prisons in the UK have been male-dominated organisations, driven by both the predominantly male prison population and societal views about the type of work women should undertake. The situation today appears more balanced. Her Majesty's Prison and Probation Service (HMPPS) appointed its first woman CEO and women occupy an increasing number of senior positions: 72 of 192 (37.5 per cent) governor and senior civil servant roles in public sector prisons and headquarters<sup>1</sup>. There is increasing academic, media and public attention towards the issue of gender equality in the workplace. Organisations are now compelled to publish their gender pay gap data and challenged to improve diversity and ensure the equitable experience of women at work.**

Leadership literature cautions against using representation alone as a yardstick for equality, indicating that the benefits of workforce gender diversity are reduced in traditionally male-dominated organisations<sup>2</sup>. There has been little specific study of women governors in the UK, however, a recurring theme within the small governor research base is the indication that women working in prisons encounter greater challenges than their male colleagues. In his exploration of prison management, Bennett<sup>3</sup> found that officers and managers made stereotypical projections about the leadership styles and capabilities of women governors, giving a sense of the challenging environment women were forced to negotiate. Whilst already having to justify their authority as a governor, women faced a further battle to justify their presence both within the prison environment and the governor role, because of their gender. In interviews with governors and senior leaders in the prison service, Liebling and Crewe<sup>4</sup> found that women leaders

described additional challenges compared with their male counterparts, often criticising their experiences and appearing to disproportionately leave the service. The authors described the occurrence of a 'cultural awakening' about the experiences and challenges faced by women working in the operational prison environment. However, such an awakening requires action and the research did not indicate any activities taking place to drive a cultural change to bring experiences of staff in line with the values of the organisation.

This article draws on semi-structured interviews with 12 women governors and two more senior women leaders within HMPPS. Pseudonyms are used and quotes and examples have been anonymised. This article begins with a reflection on studying gender within HMPPS. It will then discuss participants' early and negative experiences, how they adapt and construct their identity as a woman governor, the relationships important to this identity, and the impact of motherhood. This article will also explore key themes relating to prison service culture, including perceptions of the organisation and how resilience and emotion are perceived. The conclusion includes comments on possible next steps and the need for future research and activity to consider the race and intersectionality.

## Researching gender in the prison service

This article draws from a wider thesis exploring how women prison governors develop a sense of self-legitimacy. The thesis was undertaken in 2017 as part of a Masters in Criminology, Penology and Management at the University of Cambridge, funded by HMPPS. My interest in the experiences of women governors is influenced largely by my experiences as a woman manager within prisons and my observation that women working in prisons appeared to face

1. HMPPS Annual Staff Equalities report 2017/18. Retrieved on 22nd September 2019 from <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-staff-equalities-report-2017-to-2018>
2. Guillaume, Y., Dawson, J., Woods, S., Sacramento, C. and West, M. 2013. 'Getting diversity at work to work: What we know and what we still don't know', *Journal of Occupational and Organizational Psychology*, 86(2): 123-141.
3. Bennett, J. 2016. *The Working Lives of Prison Managers: Global Change, Local Culture and Individual Agency in the Late Modern Prison*, UK: Palgrave Macmillan.
4. Liebling, A. & Crewe, B. 2015. 'Governing Governors', *Prison Service Journal*, 222: 3-10.



unique challenges which the organisation might need to explore. Personal experiences and subsequent beliefs are undeniably brought to my research. However, conscious efforts were made to identify the potential for bias and implement mitigating procedures. The interview schedule was directed by the literature review, a pilot interview allowed testing for any bias and the semi-structured nature of the interview facilitated free conversation.

Participants were supportive but often appeared uncomfortable when discussing gender. This manifested itself in an eagerness to emphasise that men have difficult experiences too, that women can contribute to difficult experiences and additionally, that not all women are the same. This reflects complexities present within the wider discourse about women and gender that are currently being played out in society and the media. These complicate the exploration of the experiences of women as they present an intimation that women's experiences are diminished by the fact that men experience the same or because women also demonstrate problematic behaviour. This in itself is an example of how stereotypical views prohibit equality.

I set out to understand how women experience their roles and build their sense of confidence and as such my research should not have been taken to imply anything about male governors. Yet, from the outset I was asked why I wasn't studying men, the question always framed in the negative as opposed to enquiring why I had chosen to focus on women. People outside the study were curious about whether there was a more specific intention and one senior male colleague even implied that uncovering any challenging findings might negatively impact my career. This has not been my experience and I received wide support to turn the research into action.

### Early and negative experiences

Participants described being conscious of, and concerned about, how they would be received by their colleagues because of their gender. Their concerns were shaped by their early experiences within the male-dominated prison environment. About half of the participants disclosed dealing with inappropriate sexist or misogynistic behaviour earlier in their careers, including verbal harassment from colleagues which

would constitute misconduct. This is not to say that negative experiences exclusively occurred early in careers, but those which did appear to be most impactful and frequently recalled.

*I was fast track, a lot younger than most of them and a woman and I was really keen to get on...they hated it and [the manager] that I was paired up with on my first weekend called me a stupid bitch eight times. Lydia*

It was striking that the memory of these experiences stayed with participants through their careers, emphasising the importance of recognising that such situations occur, and exploring the extent to which they persist and can be prevented. It is also notable that these women did choose to remain in post and achieve promotions, and this will be explored further in discussion about what resilience means in the prison service.

*I don't even know if I did overcome it if I'm really honest. I got through it, I'm not sure that's overcoming. Sian*

Formative career experiences were not always described in the context of gender, with many participants referring to the overarching moral complexity of prison work and the pressure this creates when young or junior in role. One woman referred specifically to the challenging culture present when she began working in prisons in the early 1990s.

*I often think that my [time] as an officer was probably one of the most damaging experiences of my life. I was just really struggling as a young woman in my mid-20s to come to terms with what the service seemed to expect of me...It wasn't just that some of it was upsetting, it was that your norm disappears. I can remember being conscious that I didn't know what was right or wrong anymore. Sian*

This participant described an incredibly unsettling start to her career which involved exposure to distressing events. Despite the lack of specific reference to gender it is notable that she, and about a third of others, were describing experiences which took place in

...women's  
experiences are  
diminished by the  
fact that men  
experience the  
same or because  
women also  
demonstrate  
problematic  
behaviour.

the 1990s and early 2000s where they were often amongst the first women to hold managerial positions.

*I've worked in a lot of prisons where it's been a very male culture, and I didn't want to be part of that. I think it feels quite isolating. It did feel quite lonely I think as a woman. Alicia*

This indicates that, perhaps due to the limited number of women working in the service during that time, there was very little support for, and acceptance of, women in the prison service. Such an isolating environment early in careers would make women particularly vulnerable and left participants questioning their place. Participants were keen to emphasise the cultural shift which had taken place since, citing more women in senior roles and a reduction in the prevalence and degree of sexist and misogynistic behaviour witnessed. However they were equally aware that as a governor they are less likely to observe such behaviour directly should it occur and several expressed a desire to try and improve how the organisation supports women, and a regret they had not done so sooner. They believed that particular challenges still endured yet were not always overt. For example, a participant referred to the more subtle challenges brought about by working in an environment dominated by the presence of men, such as sexualised behaviour from prisoners and having to enter cells covered in pornography. Participants also noted negative and frustrated opinions about women on fast-track schemes, gendered views that women have a greater propensity for corruption and anecdotal evidence that women remain less likely to be given leadership roles in security or larger, more complex prisons.

#### **Adapting and constructing identity — Emotion and Resilience in the prison service**

As previously noted, the original thesis on which this article is based explored how women prison governors develop a sense of self-legitimacy. Defined as 'the cultivation of self-confidence in the moral rightness of the power-holder's authority' Bottoms and Tankebe<sup>5</sup>

recognised legitimate authority as 'involving claims to legitimacy by power-holders and responses by audiences', emphasising the role of the power-holder's sense of self in the legitimate use of authority.

Participants described consciously constructing their identity as a woman governor as they progressed through their careers. This conscious process was a result of being aware of preconceptions colleagues and leaders held about them due to their gender, which were reinforced by sexist experiences such as those described above. As a result, approximately half of governors described actively adapting their identity early in their careers, adopting what they thought would be viewed as more acceptable and legitimate. Overt examples referenced clothing and displays of emotion.

...citing more women in senior roles and a reduction in the prevalence and degree of sexist and misogynistic behaviour witnessed.

*I would never have worn a skirt suit or a dress when I was a function head, ever...I think that was about not wanting to look different from my [male] colleagues in a lot of senses. My identity was absolutely focused on playing down being women. Ellen*

Adapting dress has been explained as women trying to make themselves less visible to others so as to mitigate the potential for being stereotyped based on their gender<sup>6</sup>. Similarly

to clothing choices, some participants described hiding displays of emotion as a method of reducing the likelihood that they would be negatively labelled. This highlights how emotion and resilience are perceived within prison service culture. Many felt that being outwardly emotional such as crying or showing upset was seen as weakness, and they directly linked these cultural perceptions to their reticence to show these sides of themselves. Displaying emotion and even being privately emotional complicated some participants' confidence in their ability as a leader and again this affect was more pronounced when they were newer to their roles.

*I don't think I should show any weakness as a governor... it would be no good if I started flapping or getting upset about things or showing I didn't know what I was doing*

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5. Bottoms, A. & Tankebe, J. 2012. 'Beyond procedural justice: A dialogic approach to legitimacy in criminal justice', *Journal of Criminal Law and Criminology*, 102(1): 119-170.
  6. Chugh, S. and Sahgal, P. 2007. 'Why do few women advance to leadership positions?' *Global Business Review*, 8(2): 351-365.

*because that's not helpful for anybody if the governor is getting emotional about stuff. As a woman, nobody is going to have much truck with that. Rhiannon*

Rhiannon's quote clearly shows that she felt that displays of emotion would be conflated with ineptitude and concerningly internalised this into her own assessment of her abilities. Previous research has described women as alienated by the term 'resilience'<sup>4</sup> because of negative views of the way the organisations appeared to interpret and apply the term. Participants suggested that within the prison service, being resilient was often interpreted as getting on with things regardless, as opposed to managing the natural impacts of demanding and often distressing work. Therefore, they often felt their authentic style would be at odds with the stereotypical image of a resilient leader with the implication that they were unable to be accepted as their authentic selves or seen as a legitimate leader within HMPPS.

Leadership studies identify stereotyping as the root of issues faced by women in leadership roles. Eagly and Karau<sup>7</sup> proposed that discrimination against women is caused by discrepancies between presumptions about gender and leadership which result in women being viewed as less likely than men to fit the model of a successful leader. The qualities of an effective leader are more often labelled as male attributes and women who break from type and exhibit behaviour associated with leaders can be viewed critically, resulting in unfair discrimination. Stereotyping threatens the progression of women within organisations and impacts how women identify with their profession, reducing motivation, performance and engagement and resulting in a lack of women in leadership roles<sup>8</sup>. The persistence of such bias is concerning and has a significant practical impact for those at the receiving end. In the current context of HMPPS these experiences are at odds with the values and direction being publicised from the centre. This creates a juxtaposition between what people hear and

what they experience and suggests a disconnect between policy and delivery. It was common to hear women say that they were often unsure what style of leadership the organisation really wanted. Perceptions of the organisation are explored further later in this article.

There were a number of instances where participants were able to challenge the aspects of the prison service culture they disagreed with. Where governors did view their authentic leadership style as a strength and a legitimate part of their identity this contributed to their confidence to refrain from adapting their leadership style. One Governor detailed openly crying in front of staff following a traumatic incident. She described consciously deciding not to hide that she was upset.

*He [area manager] said to me 'you can't be showing emotions to staff' and I said, 'well why can't I?' I think it's a sign of strength to be yourself and show that you care and actually the response that I got was brilliant and I use that approach all the way through. Lydia*

Actions to adapt identity appeared confined to experiences earlier in careers. More experienced governors reflected with hindsight that permanently adapting your personal style is neither necessary nor sustainable.

*I think that as a woman in a still quite male-dominated organisation it's important that we are clear about our own identities and don't apologise for that or feel that we have to somehow behave in a particular way because we are constantly working around men. Audrey*

Participants' eventual confidence to behave authentically appeared to develop as their faith in their identity as a leader developed. This progression may be reflective of the combination of increasing maturity, skill and confidence as well as the protection provided by

discrimination  
against women is  
caused by  
discrepancies  
between  
presumptions about  
gender and  
leadership which  
result in women  
being viewed as less  
likely than men to  
fit the model of a  
successful leader.

7. Eagly, A and Karau, S. 2002. 'Role congruity theory of prejudice toward female leaders', *Psychological Review*, 109(3):573-598.

8. Hoyt, C. and Murphy, S. 2016. 'Managing to clear the air: stereotype threat, women, and leadership', *The Leadership Quarterly*, 27:387-399.

their increasing seniority and the cultural shift noted by those with the longest service. However, no participants cited any clear actions by the organisation to counter the bias they experienced, or directly improve their confidence to be themselves. Indeed, some governors referenced senior leaders contributing to, rather than challenging, these negative cultural messages, as seen in Lydia's comment above.

It is important to note that pressures to demonstrate particular leadership styles may not be confined to women. In fact, a number of governors recognised the advantages of their gender, stating that male colleagues might not reap the same benefits.

*I think that there is a sense, because a lot of the decisions we make are around people who are vulnerable, that there aren't many barriers to what I might say. It is okay for me to talk very openly and for people to make the assumption that I will...for a man there may be implicit barriers to that, but for me it seems like a much more straightforward dialogue.*  
Rhiannon

This raises questions about how masculinity and men are viewed within the prison service. While women governors might be discriminated against for not conforming to a male leadership style, as Rhiannon suggests, empathy with vulnerability is deemed a desirable feminine trait that male governors might lack the ability to freely express. Male governors who do not conform to the stereotypes of male leaders may also experience similar challenges to female governors.

### Perceptions of the organisation

Participants had suspicions about which leadership styles were perceived as effective by the organisation, stating that although the organisation provided positive messages about equality and diversity, in practice some senior leaders continued to favour traditional male stereotypes of leadership when recruiting governors.

*I still think there is a slight tendency towards a safe pair of hands meaning a very experienced male governor and I think sometimes that's the tendency in terms of filling those posts.* Diana

This created a sense amongst some participants that recruitment and promotion was not entirely procedurally just. Some participants perceived that due to the bias they experienced within the organisation about their abilities they had to work harder than their male colleagues, and deal with more challenge, to reap the same reward. The wider literature recognises that women are often required to demonstrate increased effectiveness to be viewed as equally competent to men<sup>9</sup>.

Notably, perceptions about the presence of women in senior leader positions varied and influenced how women felt about the fair progression of women.

*You go to the Governing Governors Forum [GGF] and it is still overwhelmingly white male. [It makes me feel] a bit disheartened actually and a bit concerned that it's not necessarily the best people that are being promoted...I can think of a lot of women who have chosen to leave the service and go on to different things.* Diana

...perceptions about the presence of women in senior leader positions varied and influenced how women felt about the fair progression of women.

*I would have said a minimum of 40-45 per cent are women and more are coming through. I think there is that recognition that it isn't a male dominated environment.* Audrey

HMPPS equality data shows that women hold just over a third of operational posts at governor grades. Length of service may influence perceptions; Audrey was the longest serving participant and had seen the prison service change over time whereas Diana was newer to governing and still forging her career. Additionally, women governors and senior leaders are not located evenly across the country. Regions with fewer women managers may need to do more to improve these perceptions.

Representation is not an adequate measure of the quality of women's experiences in prison leadership. Regardless of the figures, negative perceptions about the number of women in senior positions had a detrimental impact on their attachment to the organisation and their sense that they were a legitimate leader or a good fit for HMPPS. Several participants gave examples of perceiving that women had been overlooked for a role and this led to them questioning whether they met the desired leadership style and if the

9. Carli, L. 1999. 'Gender, interpersonal power and social influence', *Journal of Social Issues* 55(1):81-99.

organisation didn't want them, why was that? Addressing perceptions is difficult, however supportive solutions are likely to lie in bridging the gap between the stated values of HMPPS, and the experiences of women in the workplace.

### **Motherhood and work-life balance**

Every participant, regardless of whether they had children, raised concerns about the challenges facing women governors balancing family and work commitments, and nine of the fourteen raised their role as a parent. In addition to the practical challenges this presented, mothers described an increased emotional toll of their work.

*[You feel] all of the time like you are not in the right place. If you are here you're not there and if you're there you're not here. That [is a] very real impact on women and what they feel. Sian*

Several governors had received work-life balance adjustments providing them with a requested change to their working hours and/or location, but most reported difficult experiences. It was generally felt such arrangements were only recently becoming more frequent and acceptable for women in senior leadership positions.

*When I came back to work after my first child...I remember being told by my line-manager not to tell anybody that I was working four days a week because it wasn't really something that was done...It was very much a dirty secret because if it ever got out, people wouldn't approve. Alicia*

Several participants were noticeably animated about what they perceived as a failure by HMPPS to get this right for women and, although not measurable in this study, it was certainly their perception that male colleagues did not experience this emotional toll to the same extent. Enduring historical beliefs about the social roles of men and women put additional pressure on working mothers. Some participants felt this was a difficulty experienced by women in any career path, however the context of the organisation seemed to create a natural rub with work-life balance with governors expected to be present at work for long hours and accessible at home. One governor gave an example of a gate officer bidding them good afternoon when they arrived at 8.30am after the school run. Additionally, due to the limited number of governor positions, the

expectation to move around the country is perhaps greater than in other organisations. Participants who were mothers felt compelled to make choices which had affected the pace of their career. Lydia described declining a promotion.

*The reality is some places are just too far to travel and it doesn't make any sense...I would have ended up feeling like a crap mum and a crap governor because I can't do either to the best of my ability. Lydia*

### **Relationships**

When considering what supported them through difficult situations participants spoke of their relationships with colleagues. Several described actively seeking out like-minded peers when faced with challenges as officers and junior managers, akin to findings in prison officer research that relationships with peers are key to the cultivation of self-legitimacy<sup>10</sup>. Alicia explained that when she was early in service peer relationships appeared to be the only factor which prevented her leaving:

*I can pinpoint the time I had a crisis about... whether I am the type of person the prison service wants... And I suppose looking at some of [my women peers] and talking to them and realising that some of them felt the same as me or a lot of them were behaving the same as me...that sort of got me through really. Alicia*

In contrast, participants cited the unique and isolated nature of governing as limiting the level of support they sought or received from peers in their current roles. Those in their first governing roles seemed to feel the impact of this more acutely than those who had been governing longer.

*The governor's job can be quite lonely...when I am governing I don't tend to have that much contact with people. I tend to just be in my own world and I just get very focused on what's going on in the prison. Lydia*

Women in leadership positions more frequently align themselves with transformational styles of leadership and in doing so they differ from men who adopt transactional approaches more often.<sup>11</sup> This might begin to explain the perceptions of women that they are not the right fit in an organisation heavily focused on

10. Tankebe, J. 2010. 'Identifying the correlates of police organisational commitment in Ghana'. *Police Quarterly*, 13(1): 73-91.

11. Eagly, A., Johanssen-Schmidt, M. and Engen, M. 2003. 'Transformational, transactional and laissez-faire leadership styles: A meta-analysis comparing women and men', *Psychological bulletin*, 129(4): 569-591.

audits and compliance. Transformational leaders are democratic and motivate others to meet their vision through interpersonal skills, whilst transactional leaders prefer to set expectations and reward the meeting of targets<sup>12</sup>. Female and male governors might therefore also experience relationships with colleagues in different ways.

*Women have a place and are quite good at what they do because the way they influence is very different. Audrey*

Participants raised the importance of their relationship with their line manager. Most described a preference for a close and critical line-manager relationship and reflecting previous research<sup>4</sup>, were positive about their current line-managers regardless of the gender of the manager.

*My line-manager makes me feel valued...I genuinely believe that they understand the role...but genuinely hold me to account...It makes me feel as though it matters to them...That line management, not just support, but actual management of me makes me feel valued and that's hugely important. Bethan*

Being able to have a critical but constructive conversation strengthened the relationship. Governors wanted their managers to view them as effective but were confident to turn to them during times of difficulty. Emphasising the significance of this relationship, participants worried about the impact if the relationship did not have the right dynamic. A change of line-manager was a critical event, viewed with anxiety.

*If that manager changes it makes you feel perhaps a bit insecure at times, because things can change quite quickly. People are popular and then they are not popular and that can change all sorts of things. Rhiannon*

This relationship affects the quality of women's experiences and a good line-manager relationship may improve wellbeing and staff retention. It is important not to fall into a trap of believing that women need mentors and line-managers who are also women. Gender of line-manager was not a factor in these interviews emphasising that men can be important allies. Reinforcement from line managers supported women governor's sense of self-legitimacy and improved how they felt at work. There will be value in considering how to strengthen such relationships and also in exploring

whether male governors hold this relationship in similarly high regard.

## Conclusion

This article has reflected on interviews with women prison governors and the influence of their gender upon their experiences. The research corroborated that women working in prisons do face unique challenges due to their gender, including stereotypical judgements, sexism and the impact of becoming a working mother. Recognition and discussion of these issues is a difficult but essential first step in addressing them. The culture of the service appears at odds with messages it distributes about the importance of diversity and equality. Women recounted negative experiences and perceived bias in recruitment and progression processes. In response, many women tried to adapt their leadership and some questioned whether they were the kind of leader the service really wants. However, the line manager role appeared to provide significant support for women governors. It would be beneficial to extend this research by interviewing male governors, to see whether similar concerns are raised and identify appropriate support.

It is important that further research and action considers the roles of race and intersectionality in experiences. This article has discussed the role of identity and perceptions within experiences. Women who are further marginalised due to racism and homophobia, for example, will have acutely more painful experiences. Marcia Morgan<sup>13</sup> explains how the roles of gender and race intersect to further affect experiences and complicate how women perceive themselves and are perceived by others. Experiencing racism, mistrust, isolation and discomfort persistently impacts how women feel within the workplace and how they choose to project their identity to cope with the experiences they are faced with.

It would be remiss not to conclude with the reflection that the organisation has considered the findings of this research. Many senior leaders came forward to offer their support, and subsequently developed a working group to support women working in operational roles. Through the working group the wider experiences of women have been highlighted and a number of senior men and women have now made public statements about their commitment to diversity and the behaviours they expect, indicating a more tangible 'cultural awakening' which could lead to real improvements for women in the workplace. However, it is only with persistent change that the cultural shift required to reduce negative incidents and bring experiences in line with organisational values can take place.

12. Judge, T. and Piccolo, R. 2004. 'Transformational and transactional leadership: A meta- analysis of their relative validity', *Journal of Applied Psychology*, 89(5): 755-768.

13. Morgan, M. 2018. *Black Women Prison Employees: The Intersectionality of Gender and Race* Edwin Mellen Press.

# Incarcerated Motherhood: Reflecting on 100 years of Imprisoning mothers

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## Introduction

**This paper reflects on a century of maternal imprisonment in the United Kingdom. Examining the historical context of incarcerated mothers, grandmothers and mothers -to be, it explores the relationship between patriarchy, religion, culture, motherhood ideology and criminal justice. Revealing how each has been and continues to be inextricably linked to frustrate, disadvantage and discriminate against mothers who break the law. Drawing on the extensive research of the authors,<sup>1</sup> this paper brings the conversation into the 21st Century. Centring the voices of mothers we highlight mothers' own experiences of their incarceration, revealing the profound hurt of imprisoned motherhood. The paper is concluded with recommendations drawn from our respective research and activism.**

## Context

To fully understand and appreciate the contemporary position of and response to mothers in the criminal justice system (CJS), one must examine the legacy of an entirely patriarchal society. Historically society has been constructed in a way that favours the male gender, and as such has shaped the experiences

and positions of women through time via the structures and institutions of a developing modern society. Gendered notions of how women should, and more importantly should not behave are heavily influenced by feminine (and masculine), ideology<sup>2</sup>. Women, especially women in the Victorian era, were expected to conform to 'traditional' and widely accepted ideals of femininity. Namely that women would be conformist, placid, amenable, innocent, nurturing, subservient, chaste and ultimately maternal. By the mid-19th Century middle class notions of femininity, family, and gendered roles were firmly established, underpinned and reinforced by 'patriarchal systems of reproduction and the capitalist mode of production'<sup>3</sup>, and by and large most women conformed to this pervading ideology.

Feinman<sup>4</sup> suggests there exists a universal fear of the 'non-conforming woman', further arguing that a 'criminal woman is the epitome of a non-conforming woman'. Women who strayed outside of gender norms and expectations were seen as deviant and damaging to wider society.

*"The conduct of the female sex more deeply affects the wellbeing of the community. A bad woman inflicts more moral injury to society than a bad man."*<sup>5</sup>

1. See Abbott, L. (2015). *A Pregnant Pause: Expecting in the Prison Estate*, in L. Baldwin (auth/ed.) *Mothering Justice: Working with Mothers in Criminal and Social Justice*, Sheffield on Lodden: Waterside Press; Abbott, L. (2016). *Becoming a Mother in Prison in The Practising Midwife*. No.19, Vol.9; Abbott, L., Scott, T., Thomas, H. and Weston, K (2020) *Pregnancy and Childbirth in English Prisons: Institutional Ignominy and the Pains of Imprisonment in Sociology of Health and Illness*. Vol.42, Issue 3. Pp 660 – 675; Abbott, L., (2018). *What is the experience of being pregnant in prison?* in *Early Career Academics Network Bulletin*, p.9; Abbott, L. and Lockwood, K., (2020). *Negotiating pregnancy, new motherhood and imprisonment in Mothering from the Inside*. Emerald Publishing Limited; See Also Baldwin, L. (auth/ed) (2015) *Mothering Justice: Working with Mothers in Criminal and Social Justice Settings*. Sheffield on Lodden: Waterside Press; Baldwin, L. (2017) *Tainted Love: The Impact of Prison on Maternal Identity in Prison Service Journal*. September, 233: 28-34; Baldwin, L. (2018) *Motherhood Disrupted: Reflections of Post-prison Mothers in Maternal Geographies* in (Sp Ed) *Maternal Geographies* (Guest Editor: Catherine Robinson), *Emotion Space and Society*, 26, pp. 49-56; Baldwin, L. (2019) *Motherhood Judged, Social Exclusion Mothers and Prison* in Byvelds, C. and Jackson, H (eds). *Motherhood and Social Exclusion*, Demeter press. Canada; Baldwin, L., (2020) *'A Life Sentence': The long-term impact of maternal imprisonment in Mothering from the Inside*. Emerald Publishing Limited; Baldwin, L. and Epstein, R. (2017) *Short but not sweet: A study of the impact of short sentences on mothers and their children*. Oakdale trust. Leicester. De Montfort University; Baldwin, L. and Mezoughi, L. (2015) *Mothers in the Dock: A critical reflection of women, mothers and the courts* in Baldwin, L. (2015) ed. *Mothering Justice: Working with Mothers in Criminal and Social Justice Settings*. Sheffield on Lodden: Waterside Press.
2. Zedner, L. (1991) *Women, Crime and Penal Responses: A Historical Account*. *Crime and Justice*, 14: 307-362; Johnstone, H., (2019). *Imprisoned mothers in Victorian England, 1853–1900: Motherhood, identity and the convict prison*. *Criminology & criminal justice*, 19(2), pp.215-231.
3. Johnstone (2019) p. 224. See n.2
4. Feinman, C. (1994) *Women in the Criminal Justice System* (3rd Ed). USA. Praeger Publishers. P.7
5. Hill (1864) p.134, cited in Zedner (1991). See n.2

Moreover, Johnstone, and Zedner, suggest should the deviant woman also be a mother the intersection between her gender and maternal role rendered her 'doubly deviant'. Through time immemorial, and as portrayed by mythology, philosophy and theology, the mother/child relationship has been presented as the most significant human relationship, later 'confirmed' by developments in psychology and psychoanalysis. As such the 'burden' of responsibility for the wellbeing, welfare and outcomes of children (ergo society) have historically been laid squarely at the feet of mothers. Thus ensuring that mothers were somehow seen as responsible for the moral health and wellbeing of society.

*'Female crime has a much worse effect on the morals of the young and is therefore of a more powerfully depraving character than crimes of men [...] the influence and example of the mother are all powerful, and corruption if it be there, exists in the source and must taint the stream'<sup>6</sup>.*

Following the abolition of the transportation of convicted criminals to the colonies in the 1850's, there followed an 'enforced period of reflection' with regard how to respond to the 'the problem of what to do with female prisoners'. This was compounded by the view that as the 'weaker sex' women were inherently unsuitable for 'hard labour', the usual way of dealing with their male counterparts at the time. Early prison reformers like John Howard (The Howard League's namesake), and slightly later, Jeremy Bentham and Elizabeth Fry, were all heavily influenced by religion and/or rehabilitation by reform. Thus, whilst being committed to improving prison conditions and treating women prisoners more humanely, the combination of religious and gendered thinking influenced early penal reformers and the focus was on the 'saving of lost souls' and returning women to their 'feminine virtues'<sup>7</sup>. Furthermore, particularly in the early 20th Century

As such the 'burden' of responsibility for the wellbeing, welfare and outcomes of children (ergo society) have historically been laid squarely at the feet of mothers.

attention was focussed on female criminality and a biological perspective. Which Zedner<sup>8</sup> suggests was 'because in their role as mothers, they were identified as the biological source of crime and degeneracy'. Ergo, women, especially mothers were seen as a major source of corruption and juvenile delinquency. Thus 'criminal mothers' were seen as a 'moral menace', judged more harshly than their male counterparts because they were acting far outside of not only their gender but also their maternal role.

This paper will explore the experiences of criminalised mothers and draw comparisons between historic descriptions of incarcerated motherhood and contemporary experiences. Revealing that the legacy of patriarchal and societal beliefs about mothers and motherhood persist, which then continues to bear some relationship to responses to criminalised mothers in contemporary society. Moreover, that whilst conditions for criminalised mothers have improved, as this paper will illustrate there is still some way to go.

#### **Methodological background of the studies informing this paper.**

The evidence informing this paper is drawn from three studies. These studies are, the Doctoral research of both authors, and additionally a small scale research study by Baldwin and Epstein from 2017<sup>9</sup>.

Baldwin's study<sup>10</sup>, 'Motherhood Challenged; A study exploring the persistent pains of maternal imprisonment' was a feminist, qualitative study drawing on twenty eight, one to one recorded and transcribed interviews with mothers and grandmothers who were between one year and forty six years post release, additionally drawing on 20 letters from 15 mothers and grandmothers who were incarcerated at their time of writing. The data collected was analysed thematically. Abbott's study<sup>11</sup>, 'The Incarcerated Pregnancy: An Ethnographic Study of Perinatal Women in English Prisons' involved ten months observing the

6. Symons (1849) p.25, cited in Baldwin, L. (2021) *Motherhood Challenged: A matricentric feminist study exploring the persisting impact of maternal imprisonment on maternal identity and role* <https://dora.dmu.ac.uk/handle/2086/20813>
7. Barton, A. (2000) 'Wayward Girls and Wicked Women': Two Centuries of 'Semi-Penal' Control. *Liverpool Law Review*, 22(2-3), pp.157-171.
8. Zedner (1991) p.308. See n.2
9. Baldwin, L. and Epstein, R. (2017). See n.1
10. Baldwin, L. (2021). See n.6
11. Abbott, L. (2018) *The Incarcerated Pregnancy: An Ethnographic Study of Perinatal Women in English Prisons* <https://uhra.herts.ac.uk/handle/2299/20283>



prison environment. Twenty eight pregnant or post-natal mothers participated in recorded and transcribed interviews: Twenty-two mothers participated whilst incarcerated and six following release from prison. Five of the mothers who were still incarcerated agreed to follow-up interviews. Ten staff members consented to audio-recorded interviews, including six prison service staff and four health care personnel. The data was analysed thematically.

In Baldwin and Epstein work, 'Short but not Sweet: A study of the impact of short custodial sentences on mothers and their children', seventeen mothers participated via questionnaires and interviews. All of the mothers were post- release and were at least one year post- prison, again the data was analysed thematically.

Thus, this paper draws on the experiences of eighty eight mothers in total, all who had experienced or were experiencing maternal imprisonment. All of the participants gave their informed consent and were accessed initially via targeted sampling (i.e. Women's centres and the Prison), and thereafter by snowball sampling. All research was appropriately approved and undertaken with the relevant permissions and ethical approval.<sup>12</sup>

### Historical Experiences of criminal mothers

Women have long had an uneasy and unequal relationship with the law<sup>13</sup>. A whistle-stop tour of the relationship between women and the law reveals an established pattern of inequality. Historically women have occupied a significantly weaker position than men, not least initially being the 'possession' of her father, then her husband (hence the term to 'give away' in marriage). Women have been prevented by law from accessing divorce, ownership of property, access to education, equal pay and suffrage. Indeed women were denied sexual safety, even in marriage- up until 1994 a man could not be charged with the rape of his wife due to common law 'conjugal rights'.

Moreover, historically, mothers were denied the 'rights' to their children and even their own bodies. The Offences Against the Person Act (OAPA) (1861), made

it illegal and punishable by life imprisonment to either procure an abortion or as a mother to undergo an abortion under any circumstances. Many women either died or were imprisoned due to illegal abortions. The Life Preservation Act (1929) amended the original OAPA act to permit abortions but only in circumstances where the mothers life would be at 'imminent risk' if the pregnancy continued. It wasn't until the Abortion Act (1967), abortion became more widely available as a choice for women and women ceased to be criminalised for having an abortion (within the parameters of the law). However, then as now abortion is closely regulated and requires the signature of two Doctors to confirm a fixed set of criteria exist. As recently as 2015 a 23- year- old mother was imprisoned for using medication bought online to induce an abortion after the legally permitted limit (24 weeks)<sup>14</sup>.

When comparing the experiences of Victorian criminalised mothers with contemporary mothers' experiences, the similarities of experiences and pathways into offending are alarming. Johnstone, and Zedner<sup>15</sup>, observed that 'overwhelmingly' historical mothers were imprisoned for non-violent offences, and their offences were often related to poverty, mental ill health, substance misuse and prostitution. For the most part, in the absence of any positive

Women have been prevented by law from accessing divorce, ownership of property, access to education, equal pay and suffrage.

policies to the contrary imprisoned women and mothers 'were treated rather like difficult men' or 'lunatics'<sup>16</sup>. Again, with striking similarity to the present day, through the 19th and 20th centuries, mothers were most often serving short custodial sentences and their children and families were left to cope with very little, if any state support.

Early records of imprisoned motherhood experiences are lacking, particularly with reference to mothers own voices. However available records do reveal that mothers were sometimes permitted to bring babies into prison with them for up to two years — with some flexibility if the mothers sentence were due to end shortly after the permitted period expired. Records do indicate that mothers did give birth in prison and sometimes their children were permitted to remain

12. The studies were approved respectively by De Montfort University faculty research ethic committee (FREC); University of Herts FREC and through NOMS and IRAS, and; Coventry University FREC. Furthermore Baldwin is a qualified social worker, Abbott a qualified midwife and as such both are additionally bound by professional codes of conduct and ethics.

13. Baldwin and Mezoughi (2015). See n.1

14. 'We Trust Women' information about the campaign to decriminalise abortion in the UK <https://wetrustwomen.org.uk/about-the-campaign/>

15. Zedner (1991); Johnstone (2019). See n.2

16. Priestley, P. (2012) *Victorian prison lives*. Random House.

with them, although many died either in childbirth or soon after. Prisons were reluctant to accept mothers with babies already born due to the additional cost of upkeep and as such mothers and non-nursing babies were often separated. Some courts at County level simply advised magistrates not to send pregnant mothers to prison. At the point of sentence children would be 'sent out' to family or the workhouse and would become the responsibility of the local Parish. A small number of older children would serve a longer sentence alongside their mothers, but records are scarce.

Most children of imprisoned mothers were likely find themselves in institutional care, and from that point onwards (from the perspective of the prison), a female prisoners' motherhood was essentially ignored. Family contact was difficult for imprisoned mothers in the Victorian era, with letters and visits affected greatly by geography (and the associated cost), and an established system of minimal and conditional contact (conditional concerning length of sentence and behaviour). Most of the mothers in prison were working class mothers whose relatives would already have been struggling financially to support their own families, as such most children of imprisoned mothers were sent to various establishments like 'Industrial Schools', Barnardo's, Waifs and Strays Society, or the Workhouse. Johnstone's paper details the experiences of several mothers, many whose children were subsequently adopted without their knowledge or agreement.

Post-release, many mothers were returned to the chaos of their pre prison lives and many had lost contact with their children. Mothers often remained on a pathway of offending, returning time and time again to prison. There is little evidence of direct support to imprisoned and post-prison mothers of the time. Thus, despite a desire to 'return women to their femininity', paradoxically their role as mothers was not supported,

only condemned and instead, Johnstone suggests, 'women's efforts at mothering were rendered invisible'.

### Contemporary Experiences of mothers in prison

Maternal imprisonment has only very recently garnered interest in the field of criminology, indeed Baldwin's 'Mothering Justice'<sup>17</sup>, was the first complete book to devote itself to exploring the experiences of mothers in the criminal justice system (and social justice system) in the UK. Since then however, there has been a significant increase in attention paid to the experiences of criminalised mothers and their children<sup>18</sup>

Contemporary thinking about motherhood remains centred around the 'feminine ideal' and is constructed around women's positions in wider society and the family.

Motherhood provides an additional layer of judgment and punishment in relation to criminalised women and remains influenced by middle class ideological and gendered thinking, in a not dissimilar way to the Victorian era mentioned above. As is vividly evidenced and illustrated by the case of R v Ursula Nevin [2011]<sup>19</sup>. Ursula herself did not take part in the 2011 Manchester riots, however her lodger did and passed on to Ursula a pair of shorts (value £10). Ursula, a mother of two children under five and with no previous convictions, was

charged and convicted of handling stolen goods. She was sentenced to five months in prison. In his summing up Judge Qualid Quereshe told Ursula that she had two children she was 'responsible for' and as such should have turned her flatmate in, telling her 'you are supposed to be a role model to your sons'. Ursula's sentence was later successfully appealed, and her sentence defined as 'wrong in principle', Ursula was released, and her sentence commuted to 75 hours community punishment, but not before she and her two young children were traumatised by their separation. One must raise the question, was Ursula

Most of the mothers in prison were working class mothers whose relatives would already have been struggling financially to support their own families

17. Baldwin (2015). See n.1

18. See for example O'Malley, S. and Baldwin, L. (2019). *Mothering Interrupted: Mother-Child Separation via Incarceration in England and Ireland in Mothers without their children*. Demeter press; Booth, N., (2020) *Maternal Imprisonment and Family Life: From the Caregiver's Perspective*. Policy Press. Datesman; S. K., and Cales, G. L. (1983). "I'm Still the Same Mommy": Maintaining the Mother/Child Relationship in Prison in *The Prison Journal*, 63(2), 142-154; Easterling, B.A., Feldmeyer, B. and Presser, L. (2019) *Narrating mother identities from prison in Feminist Criminology*, 14 (5), pp.519-53; Lockwood, K. (2020) *Mothering from the Inside*. Emerald Publishing Limited; Masson, I. (2019) *Incarcerating motherhood: The enduring harms of first short periods of imprisonment on mothers*. Routledge; Minson, S., (2020). *Maternal Sentencing and the Rights of the Child*. Palgrave Macmillan.

19. The case of Ursula Nevin as reported in the Guardian <https://www.theguardian.com/uk/2011/aug/19/riots-mother-looted-shorts-freed>

originally sentenced due to the seriousness of her 'crime' or because she was judged to be a 'bad mother'?

Corston, cites Baroness Hale, who highlighted the distinct and additional impact of imprisonment on mothers and the prevalence of gendered judgement.

*'Many women still define themselves and are defined by others by their role in the family. It is an important component in our sense of identity and self-esteem. To become a prisoner is almost by definition to become a bad mother'.<sup>20</sup>*

Indeed, many if not most of the mothers across all three studies referred to in this paper highlighted the additional layer of judgement that they experienced as mothers. Mothers felt they were consistently responded to and 'judged' more harshly both in court and in prison because they were mothers. In addition to the external judgement women experienced, they were also highly critical of themselves and their self-criticality intersected with their motherhood.

*'I was a good mam, well I did my best... when I went to prison I felt like all that was wiped out, I'd failed...Even worse because I'm a Nanna and a mam ... I'm meant to be respectable at my age...I just looked around when I first went in [prison] and thought that's it...I've let them all down' (Maggi).<sup>21</sup>*

Baldwin, and Abbott evidenced the internal shame felt by the mothers, which was over and above the oft cited 'spoiled identity' of prisoners.

*'I'm tainted now aint I? Forever ... I'll always be that mum that to went jail. Every time I hear that song 'Tainted Love' ... I think that's me that is' (Kady). (see footnote 1; 'Tainted Love')*

Abbott's, research describes how mothers would feel that the 'symbolic props' of prison such as

handcuffs, chains and prison uniforms contributed to their shame, particularly when on 'escorted' appointments to ante- natal appointments. Sammy describes how she felt 'judged' and defensive when attending the hospital in handcuffs with uniformed officers.

*'You've got all the Mums and the Dads, husbands and wives and sitting there holding their precious little bump, and there I am walking in and they just looked at me like I was filth. And it's like, I've just made a mistake, I was stupid; I haven't hurt anybody, I'm a good Mum' (Sammy).*

## Mothers felt they were consistently responded to and 'judged' more harshly both in court and in prison because they were mothers.

Given the rarity of female prisoner escapes, the low risk of harm of most women prisoners, alongside the motivation of most women to want to attend antenatal appointments, it is worth questioning why *all* mothers would ever have been routinely handcuffed for hospital appointments when it could be individually risk assessed. Thankfully this policy has now been revised (see footnote 32). Furthermore, given the nature of women's offending, Baldwin questions why most imprisoned women, ergo mothers, are subject to the additional

harshness of closed prisons at all<sup>22</sup>- which then restricts mothers abilities to engage, interact and maintain contact with their children. 'Rita' in Baldwin's, study questioned why 'most' women are held in closed conditions, raising the valid point that this hinders the positive and supportive relationships they are able to make, especially in relation to supporting their motherhood.

*We all bonded over motherhood [in open conditions] it felt lovely to be able to talk about our kids, it wasn't all we talked about, but it was mostly, it made us all feel 'normal'. [...] we had nothing in common at all other than we were mothers. We probably wouldn't have spoken outside, yet in prison we walked in the grounds about three miles a day every day, just walking and talking. Closed*

20. Corston, J. (2007) The Corston Report: A review of women with particular vulnerabilities in the criminal justice system. p20

21. Quotes are taken from Baldwin, L. and Epstein, R. (2017) see n.1; Baldwin, L. (2021) see n.6, and Abbott, L. (2018) see n.11

22. Ten out of the twelve prisons in the female estate are closed prisons (despite over 80% of women being in prison for nonviolent offences)- which means they have additional levels and layers of security and a more restricted regime- particularly in relation to freedom of movement and physical contact with families during visits.

*conditions you can't do that, it makes it harder ... and for what for, for nothing ... most women don't need to be in closed conditions ... what were we going to do? Shoplift them or fraud them to death?' (Rita).*

As previously stated, astonishingly many women's pathways to prison continue to be influenced by structural failures to adequately meet or respond to the needs of women and their children. Yet as ever it is the mothers themselves to be punished for these 'failures'<sup>23</sup>. Mothers across all three studies revealed how debt and poverty remain relevant factors concerning women's pathways into offending and subsequent imprisonment. In Baldwin and Abbott's studies, Debbie for example, was imprisoned for theft after stealing nappies, baby bottles and food after her Universal credit was sanctioned and she had 'no money'. Debbie, as is typical of so many incarcerated women, was struggling with a traumatic past, addiction and mental health issues. She described how mounting debts and loans and the feeling of 'not knowing how you will heat the house or even put the kettle on', compounded her depression and anxiety. However, like many women, Debbie's prison sentence merely compounded her 'problems' whilst simultaneously inflicting trauma on her four children and causing her significant maternal pain.

Datesman and Cales described mothering from prison and being separated from children as a 'profound hurt'. Yet, many women in Baldwin and Abbotts studies' stated that they were reluctant to disclose their maternal pain and anguish because they feared the response of officers/prison staff, both in terms of additional judgement, but also they were fearful of being labelled as 'poor copers' and triggering unwelcome surveillance and attention- particularly with regards to their motherhood and mothering capabilities. Mothers in Baldwins' studies described feeling, 'surveilled', 'powerless', 'hopeless', 'scared',

Mothers in Baldwins' studies described feeling, 'surveilled', 'powerless', 'hopeless', 'scared', 'angry' and 'traumatised' in prison.

'angry' and 'traumatised' in prison, but significantly also many years post- release. The impact of maternal imprisonment was felt far beyond the prison, on mothers themselves, their children and grandchildren and their wider families gates (the longest period post release in Baldwin's studies was 46 years). Many mothers described themselves and their relationships with their children as 'forever changed', something many mothers did not necessarily expect.

*I used to worry all the time when I was inside ... Where was she? Who was she with? Was she safe? I kept myself going thinking: Not long now, then it will all be OK, and I can keep an eye on her properly ... But she doesn't tell me anything now ... we don't have the same relationship as before. She got used to being without me I guess ... I wasn't expecting that. (Shanice).*

Particularly salient in both of the authors' research, and echoing past research findings, was that for many of the imprisoned mothers there were often multiple missed opportunities for support, potentially of a nature that might have prevented their criminalisation in the first instance.

### Pregnancy and Prison

Bennett describes how the Duchess of Bedford — Adeline Russell, a prison reformer and philanthropist from 1919 — 1920, made several recommendations pertaining to prison pregnancy and maternity<sup>24</sup>. Russell led an enquiry into prison conditions and brought to light not only the poor accommodation, but the inadequate conditions for pregnant women and the lack of specially trained staff. In the recent Ministry of Justice (MOJ), review of operational policy on pregnancy and separation from children under two years<sup>25</sup>, shockingly many findings and questions raised, echo findings from the Russell review from 1919, particularly in relation to the lack of specialist staff and

23. Clarke, B. and Chadwick, K. (2018) From Troubled Women to Failing Institutions; The necessary narrative shift for the decarceration of women post Corston, in Moore, L, Scruton, P. Wahidin, A. (2018) *Women's Imprisonment and the Case for abolition; Critical Reflections of Corston ten years on*. Routledge

24. Bennett, R. (2017). *Identifying & Advocating for Women's Health: The Duchess of Bedford's 1919 Committee of Enquiry into Medical Care in Holloway Prison*. [https://warwick.ac.uk/fac/arts/history/chm/research/current/prisoners/outputs/duchess\\_of\\_bedford.pdf](https://warwick.ac.uk/fac/arts/history/chm/research/current/prisoners/outputs/duchess_of_bedford.pdf)

25. Ministry of Justice, (2020). *Summary report of the review of PSI 49/2014 and operational policy on pregnancy and women separated from children under 2 in prison*. Published 31 July 2020. Open Government Licence. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/905559/summary-report-of-review-of-policy-on-mbu.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905559/summary-report-of-review-of-policy-on-mbu.pdf)

the question of babies in prison. Thus, fundamental questions are still being asked as to whether it is appropriate to accommodate mothers and their babies in prison at all or whether alternative community based models such as the one practised by Trevi House<sup>26</sup> would be more fitting in most circumstances- particularly when the nature of their mothers' offending is most often low level and low risk of harm.

Around 100 babies are born to mothers in prison annually<sup>27</sup>, although this is an estimate only as, until very recently formal data around pregnancy, miscarriage and births in prison was not formally or consistently collated. Although the recent afore mentioned MOJ review states an intention for this data to be collected in the future.

Most women are offered a routine pregnancy test on reception into prison and subsequently many women only find out they are pregnant at this point. However, the recent death of a baby born in prison to a mother who did not know she was pregnant (she had refused the test believing she 'couldn't' be pregnant), highlights the need for more thought to be given to routine pregnancy testing in such a way that balances the rights and privacy of the mother with the overall safety and wellbeing of women in the care of the prison. In theory mothers are permitted to apply for an MBU space as soon as they enter prison, similarly mothers with a baby living outside who is within the MBU permitted age range are also entitled to apply for an MBU space however mothers are not always informed of this<sup>28</sup>. Being pregnant in prison is a frightening, stressful and emotional experience. Mothers- to- be generally feel protective over their 'belly' and fearful of volatile situations which may lead to their baby becoming harmed.

*'I kept my hands on my belly all the time...it was instinct, like I was protecting her' (Kady).*

Mothers- to- be  
generally feel  
protective over their  
'belly' and fearful of  
volatile situations  
which may lead to  
their baby  
becoming harmed.

Mothers' in Abbotts' research worried about not having enough food and the impact this would have on their unborn babies. Although there are clear directions about pregnant women receiving additional nutrition<sup>29</sup>, staff were often confused by the policy or inconsistent with their provisions. Women across all three projects, and reminiscent of Victorian times, described feeling 'hungry' as a pregnant prisoner and relying on of the 'kindness' of individual officers.

*'She's been to all of my scans so it's quite nice, so she saw me grow from like literally the first, so it would be nice (to have her attend birth) as I am really relaxed with her, so it would be nice to get her' (Susan)*

However, reflecting the sad reality of their often complex needs and lives before prison, several mothers across all of the studies stated that by being in prison they were 'safer' and 'better provided for' than they might have been 'outside'.

*'My life was so chaotic I wouldn't have attended any appointments or had anyone care for me outside, ironically me and my baby were safer in there [prison], at least I was warm and not being battered' (Emma).*

Mothers across all three studies, described having worries about theirs and their babies wellbeing alongside additional worries about whether or not they would secure a space on the mother and baby unit (MBU), or whether they would be separated from their new-born. Many mothers described the stress of 'not knowing' if they would be separated from their child as particularly traumatic.

*"Throughout this battle, he's still here with me (strokes pregnant abdomen). But mentally I don't know how well I'll be able to cope when he's not there? I'll have no bump and*

26. Trevi House is a community based residential unit which can be used as an alternative to custody- permitting mothers and children to reside together whilst the mothers receives targeted multi agency and specialist support- children are cared by their mothers with the support of relevant professionals where required, (weblink unavailable due to site update 24/10/20)

27. O'Keeffe, C and Dixon, L. (2015) *Enhancing Care for Childbearing women and their Babies in Prison*. Hallam Centre for Community Justice

28. Sikand, M. (2015). *Lost Spaces: Is the current procedure for women prisoners to gain a place in a prison Mother and Baby Unit fair and accessible?*. London: The Griffins Society.

29. See 32 also

*no baby. I don't know what I'm going to do' (Caroline).*

Imprisoned pregnant mothers worry about access to specialist healthcare and are especially fearful of labouring and giving birth alone in their cells.

*"I was literally terrified of going into labour at night on my own and I had nightmares about giving birth on my own my babies come quick they do, it's a really scary place to be pregnant you know". (Tarian)*

Both Baldwin and Abbott spoke to mothers who had experienced labour and birth in their cells. Abbott describes how Layla, a second time mother, was 'not listened to' by officers and prison staff despite repeatedly telling them she was in labour. Despite not being appropriately qualified, health care nurses 'told' Layla she was not in labour. Layla described feeling 'powerless', and obviously frightened, furthermore her ongoing trauma and distress remained evident to Abbott during her interview. Layla's baby was born breech in her mother's cell, a potentially dangerous, life threatening situation for both mother and baby.

*'These (nurses) were not even trained in that field whatsoever...telling me that I wasn't in labour, so I ended up having (baby) in my cell. The male nurse wasn't allowed to be in there, so I had one nurse that was telling me what I should and shouldn't be doing' (Layla).*

Layla goes on to describe how she did not know if she would be permitted a space on the MBU or whether she would be separated from her baby or not, or even whether she should breast feed her baby or not. The uncertainty for a new mother who had experienced a traumatic and dangerous birth only added to her pain. Mirroring previous research, mothers across all of the studies found waiting to hear if their application to the MBU had been successful or not, incredibly stressful. Mothers who 'knew' they would be separated from their babies at birth described their awful feelings of impending doom. Mothers described feeling desperate to bond *with their baby's whilst still in*

*utero, 'in the hope somehow he will remember I loved him' (Helen).* Mothers' in Abbotts' studies described 'putting off' thinking about the point of separation until they 'had to', fundamentally because it was just 'too hard'. Others described how it was all they thought about.

*I'm anxious...I can't sleep at night, like I need to know now, I want to know. It's my baby. I want them to tell me if I'm allowed my baby or not' (Abi).*

Mothers' stress was compounded by how late in their pregnancies decisions about their MBU place was made. Indeed, Kady, in Baldwins studies did not find out about her space until after her baby was born and described how this felt.

*'I went to hospital to give birth not knowing if I was coming back with my baby or not, I had my mum on standby ...it was awful' (Kady).*

Tragically, over the last few years, and twice in the last year, babies have lost their lives when their mothers gave birth in prison<sup>30</sup>. The investigations are ongoing, and the full results are not yet publicly available, however certainly in the two

most recent deaths indications are that labouring mothers did not receive timely midwifery care and the babies were both stillborn in their mothers' cells. In 2020, 100 years from the Duchess of Bedford's review, we continue to find that babies are being stillborn inside prison cells. To continue to be providing evidence and commentary on these tragedies is disturbing.

### Summary and Concluding Thoughts

This paper has examined the experiences of criminalised mothers over the last century or so. It reveals how responses to mothers in the criminal justice system have historically been influenced by gendered ideology and patriarchally influenced structures and institutions in which women have been systematically disadvantaged and discriminated against. This paper has evidenced how the shaming and blaming of criminalised women is magnified when criminalised women are mothers.

30. Baldwin, L. (2020), *Why has another baby died in prison?* <https://www.russellwebster.com/prison-baby-death/> Baldwin, L. Abbott, L. (2020), *Why do we still imprison pregnant women?* <https://www.russellwebster.com/pregnant-prisoners/>

As has been evidenced in this paper, there remains a need to continue the work of early reformers such as John Howard and Elizabeth Fry, and the Duchess of Bedford, to continue to improve existing provisions for and responses to mothers, grandmothers and mothers-to-be, before, during and after prison. It is alarming that modern day activists in the field of maternal imprisonment are making similar requests to those made over one hundred years ago. In order to achieve positive change in criminal justice responses for women, there must exist a parallel commitment to social justice. Women's, ergo mothers pathways into 'offending' remain influenced by disadvantage, discrimination, abuse, inequality and poverty. All too often the response to women in contact with the criminal justice system is to criminalise rather than support, to punish the individual rather than challenge the system which inflicts harm on her and often has failed her multiple times. As argued by Segrave and Carlton<sup>31</sup>, 'the justice system separates and decontextualises women's actions from the broader social and structural context of their lives', and as such criminalised women are scrutinised in terms of their 'lives and choices', which then facilitates and encourages an over reliance on punitive responses to 'manage' inequality.

It is positive that the Ministry of Justice<sup>32</sup> has committed to improving conditions for mothers and

their babies and are heeding advice and guidance in that improvement from experts like the authors' and organisations like Birth Companions<sup>33</sup>, and we echo the recommendations we have made previously, and those outlined in the recent review. Recommendations currently being implemented include collecting data on mothers in custody, on pregnancy, miscarriage, births and stillbirths to mothers in prison, simplifying the MBU application process and ensuring decisions are made as early and quickly as possible, committing to staff training and the provision of specialist midwifery presence in all female establishments. Ultimately we would like to see the cessation of the imprisonment of pregnant and nursing mothers, alongside a commitment community alternatives to imprisonment for all women are sought wherever possible.

The authors and others such as Birth Companions, Women in Prison, Lord Farmer, the Prison Reform Trust, the Joint Human Rights Committee, and the All Party Parliamentary Group (APPPG), on women and girls in the penal system, through their activism and research seek to challenge the failings and inadequacies in current provisions throughout the CJS for women and mothers.

Furthermore, through our collective activism we seek to highlight, replicate and encourage the good practice that does exist where lessons have been learned and women and mothers have been responded to compassionately and appropriately.

31. Cited in Clarke, B. and Chadwick, K. (2018) From Troubled Women to Failing institutions: The Necessary Narrative Shift for the Decarceration of Women Post Corston. In Moore, L, Scraton, P. and Wahidin, A. (2018) *Women's Imprisonment and the Case for Abolition: Critical Reflections of Corston Ten Years on*. London, Routledge.

32. Review of operational policy on pregnancy, Mother and Baby Units and maternal separation  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/905559/summary-report-of-review-of-policy-on-mbu.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905559/summary-report-of-review-of-policy-on-mbu.pdf)

33. Birth Companions, a charity supporting mothers in and after prison in pregnancy birth and new motherhood  
<https://www.birthcompanions.org.uk/pages/8-our-work>

# Made by men *for men*?

## In search of a gender responsive approach to men in prison

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### Introduction

**In this paper, I examine the current situation of a gender responsive approach to the male prison estate. In no way do I intend to draw attention away from the vital work of a gender responsive approach to working with women and girls in places of detention. What I advocate for here is for those in policy positions to consider how the male prison estate (and the justice system more broadly) could benefit from applying similar progressive thinking to that which has developed gender-informed processes with women in prison. Prison systems almost exclusively operationalise a binary approach to gender; however, a complete gender responsive approach would also account for a greater understanding of those who identify as transgender, gender fluid and gender non-binary. In 2016 the UK government introduced a new policy stating that prisons must also recognise those with fluid and non-binary genders<sup>1</sup> and other governments have officially acknowledged three genders<sup>2</sup>. While this article focuses on people who were born male and identify as men, I believe that a greater understanding of gendered expectations, pressures and realities can contribute towards facilitating a less binary approach to gender.**

I felt compelled to write this paper after authoring a toolkit on 'Places of deprivation of Liberty and Gender'<sup>3</sup> aimed at practitioners and policymakers, on behalf of three international non-government organisations (NGOs). The aim of the publication was to present conversations with experts from around the world to consider how places of detention could adapt and become more gender responsive in order to provide inspiration and guidance. After interviewing

experts throughout the global South and North and arriving at several examples of where the specific gendered needs and responsibilities of women had been made central to decision making, it was evident that there existed a distinct scarcity of examples of such an approach with men<sup>4</sup>. This paper is, therefore, a theoretical consideration of the benefits of a gender responsive approach to men in detention.

When considering specific examples of where a gender responsive approach has been successfully implemented globally, it is important to note the established and valid critique of international criminal justice communities' tendency to go in search of 'good-practice' models and the inherent dangers of ethnocentrism<sup>5</sup>. Conscious of the occidentalist inclination to overlook contextual differences when transferring theory and practice,<sup>6</sup> I stress the importance of evidence-driven change, informed by local interpretivist research, rather than the positivist assumption of replicability of approaches across contexts. I feel it is also crucial as part of theoretical discussion, that we remain conscious of historical and present a-symmetries of power in terms of knowledge production and legitimisation<sup>7</sup>. As scholars and practitioners, we can actively work to dismantle such structures within the geopolitics of knowledge by challenging theories and practices which present situated conceptions of gender and masculinity as if they were universal. This, of course, does not mean that our imaginations cannot be ignited by practice from elsewhere. In fact, it can help us to reflect on the socially constructed nature of our norms and conceptual boundaries.

This paper offers a twofold contribution: firstly in terms of arguing for a gender responsive approach to men and imagining paths towards it; and secondly, to

1. Mia Harris, 'British Prisons Must Now Recognise Gender Fluid and Non-Binary Inmates', *The Conversation*, 16 November 2016, <http://theconversation.com/british-prisons-must-now-recognise-gender-fluid-and-non-binary-inmates-63132>.
2. CHRI, 'Lost Identity: Transgender Persons in Indian Prisons' (New Delhi: Commonwealth Human Rights Initiative, 2020), <https://www.humanrightsinitiative.org/publication/lost-identity-transgender-persons-in-indian-prisons>. p40
3. Omar Phoenix Khan, 'Places of Deprivation of Liberty and Gender', Gender and Security Toolkit (Geneva: DCAF, OSCE/ODIHR, UN Women., 2019), <https://www.dcaf.ch/tool-5-places-deprivation-liberty-and-gender>.
4. There were even fewer examples for those identifying as transgender, gender fluid or gender non-binary
5. David Nelken, 'Comparative Criminal Justice: Beyond Ethnocentrism and Relativism', *European Journal of Criminology* 6, no. 4 (July 2009): 291–311.
6. Maureen Cain, 'Orientalism, Occidentalism and the Sociology of Crime', *The British Journal of Criminology* 40, no. 2 (1 March 2000): 239–60; Fernando Coronil, 'Beyond Occidentalism: Toward Nonimperial Geohistorical Categories', *Cultural Anthropology* 11, no. 1 (1996): 51–87.
7. Kerry Carrington, Russell Hogg, and Máximo Sozzo, 'Southern Criminology', *British Journal of Criminology* 56, no. 1 (January 2016): 1–20.



emphasise the importance of de-centring a focus not just away from hegemonic masculinity, but also from Western conceptions of masculinity. This second, long-term aim is beneficial to those whose notions of masculinity have been historically overlooked or disrupted by Western dominance, and also for those in Western anglophone centres, where alternative expressions of masculinity have been suppressed or diminished via the dominance of the hegemonic forms.

The paper begins with a brief overview of applications of a gender responsive approach to women, and considers how this may be interpreted in the male prison estate. Concerns over conceding space within the gender sphere to (re)turn focus to men are addressed, as well as those posed by discussing the needs, rights and responsibilities of men without aligning with the emergent anti-women agenda of the 'manosphere'. This paper, therefore, is a call to disrupt the status quo; to reduce the gap between scholarly work on masculinities, which acknowledges the multiplicity of the male experience, and the prison-based policy and practice, which tends to treat male prisoners as a homogenous group.

### **A gender responsive approach to women in prison**

A common tendency throughout justice systems has been to assume that by treating all prisoners the same, regardless of their gender, everyone is being treated equally. This type of gender-neutral approach results in systems that do not consider how the specific needs of women and girls differ from the majority male population. In response to the lack of international standards providing for the specific characteristics and needs of women in contact with justice systems, the United Nations introduced the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules') in 2010. Rule 1 of the Bangkok Rules states, as a basic principle:

A common  
tendency  
throughout justice  
systems has been to  
assume that by  
treating all prisoners  
the same, regardless  
of their gender,  
everyone is being  
treated equally.

*In order for the principle of non-discrimination, embodied in Rule 6 of the Standard Minimum Rules for the Treatment of Prisoners, to be put into practice, account shall be taken of the distinctive needs of women prisoners in the application of the Rules. Providing for such needs in order to accomplish substantial gender equality shall not be regarded as discriminatory<sup>8</sup>.*

Some international NGOs have evidenced the imbalance in attention with extensive project work and note that this bias in design 'includes everything from the architecture of prisons and security procedures to staffing, healthcare services, family contact, work and training'<sup>9</sup>. Academics have also emphasised the issue through rigorous research, and with good reason, as concerning prisons historically, 'treatment, research and recovery have been based on men's lives, often neglecting women's experience'<sup>10</sup>.

A gender responsive approach is, therefore, necessary to implement the principle of non-discrimination. The National Resource Centre on Justice Involved Women has provided a comprehensive definition:

*Gender responsive practices are practices, programs, assessments, or policies that account for the differences in characteristics and life experiences that women and men bring to the justice system AND that have been tested by methodologically rigorous research and found to be effective in reducing recidivism.<sup>11</sup>*

Research known as the 'pathways perspective', has shown that the initial routes to crime and recidivism for women tend to differ from those of men and therefore, pathways are discussed as *gendered*<sup>12</sup>. Studies have consistently shown that 'criminally involved women have life histories plagued with physical and sexual

8. UN General Assembly, United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules). Capitalisation emphasis original.
9. Andrea Huber, 'Women in Criminal Justice Systems and the Added Value of the UN Bangkok Rules', in *Women and Children as Victims and Offenders: Background, Prevention, Reintegration* (Springer, Cham, 2016), p8.
10. Stephanie S. Covington, 'Women in Prison', *Women & Therapy* 21, no. 1 (12 February 1998): p141.
11. Patricia Van Voorhis, 'Gender Responsive Interventions in the Era of Evidence-Based Practice: A Consumer's Guide to Understanding Research' (National Resource Centre on Justice Involved Women, 2016). p1
12. Emily J. Salisbury and Patricia Van Voorhis, 'Gendered Pathways: A Quantitative Investigation of Women Probationers' Paths to Incarceration', *Criminal Justice and Behavior* 36, no. 6 (2009): p42.

abuse, poverty, and substance abuse<sup>13</sup>, and the perspective suggests that there are biological, psychological, and social realities that are specific to the experience of women. A meta-analysis of studies throughout the USA relating to the effectiveness of gender responsive interventions to reduce recidivism revealed that those women who participated fared better than non-participants<sup>14</sup>. Furthermore, when filtering for the studies with the most robust methodologies, gender responsive interventions were significantly more likely to be associated with reductions in recidivism in comparison to those with gender-neutral ethos<sup>15</sup>. A study from Kenya has also indicated that officers completing pre-trial assessments using gender responsive techniques reported that they understood the context of women's offending better<sup>16</sup>. Officers explained that they had since advocated for and achieved non-custodial sentences for both women and men, who would otherwise have received custodial sentences<sup>17</sup>.

Kelly Hannah-Moffat has warned us, however, that if gender is acknowledged yet too narrowly defined, this can create a range of other challenges linked to essentialising the female experience of prison as a distinct set of characteristics<sup>18</sup>. In such cases, dominant social ideals can silence the experience of others, and Hannah-Moffat provides the example that in Western contexts, 'women prisoners are expected to adhere to middle-class white normative ideas of motherhood'<sup>19</sup>. In any given society, there are multiple forms of femininity and masculinity to consider, and a gender responsive approach is not one that takes a static

reading of the needs and responsibilities of any gender. It is vital to emphasise the need to de-centre dominant and normative notions of gender to allow space for multiple expressions.

Therefore, when considering a gender responsive approach to men in prison internationally, we must look beyond a referent Western man and acknowledge a multiplicity of experiences, needs and responsibilities. Each country and even different populations within countries are likely to reveal different gendered pathways to crime and recidivism. Therefore research should always be carried out to best understand the particular context, due to what Silvestri and Crowther-Dowey refer to as 'the enduring relevance of the local'<sup>20</sup>. The bulk of the research in this area comes from

North America and Western Europe, however, to further efforts to decolonise the study of gender, scholars must ensure that gendered patterns observable in Western nations are not conceptualised as universal or normative. For examples of non-Western context-specific research on the experience of women in the justice system, see Penal Reform International's 'Who Are Women Prisoners' series<sup>21,22,23</sup>.

... when considering a gender responsive approach to men in prison internationally, we must look beyond a referent Western man and acknowledge a multiplicity of experiences, needs and responsibilities.

### Made by men for men?

A focus on a gender perspective with women and girls has developed in reaction to the naturalised presumption of the referent object as male, with any work with women equating to 'add gender and stir'<sup>24</sup>. Many high-profile media organisations have made efforts to communicate the need for penal reform to the public by making the point that 'Jails Weren't Built for Women'<sup>25</sup> (TIME

13. Emily J. Salisbury and Patricia Van Voorhis, 'Gendered Pathways: A Quantitative Investigation of Women Probationers' Paths to Incarceration', *Criminal Justice and Behavior* 36, no. 6 (2009): p543.
14. Renée Gobeil, Kelley Blanchette, and Lynn Stewart, 'A Meta-Analytic Review of Correctional Interventions for Women Offenders: Gender-Neutral Versus Gender-Informed Approaches', *Criminal Justice and Behavior* 43, no. 3 (1 March 2016): p301,
15. Gobeil, Blanchette, and Stewart. p301
16. Omar Phoenix Khan, 'Introducing a Gender-Sensitive Approach to Pre-Trial Assessment and Probation: Evaluation of an Innovation in Kenya', *Probation Journal* 65, no. 2 (1 June 2018): p194–195.
17. Omar Phoenix Khan, 2018 p196
18. Kelly Hannah-Moffat, 'Sacrosanct or Flawed: Risk, Accountability and Gender-Responsive Penal Politics', *Current Issues in Criminal Justice* 22, no. 2 (2010): p195.
19. Hannah-Moffat. p199
20. Silvestri and Crowther-Dowey, *Gender & Crime*. p93
21. Penal Reform International, *Who Are Women Prisoners?: Survey Results from Jordan and Tunisia*, 2014.
22. Penal Reform International *Who Are Women Prisoners?: Survey Results From Kazakhstan and Kyrgyzstan*, 2014.
23. Foundation for Human Rights Initiative and Penal Reform International, eds., *Who Are Women Prisoners? Survey Results from Uganda* (London: Penal Reform International, 2015).
24. Katelyn A. Wattanaporn and Kristy Holtfreter, 'The Impact of Feminist Pathways Research on Gender-Responsive Policy and Practice', *Feminist Criminology* 9, no. 3 (1 July 2014): p192.
25. Samantha Cooney, 'Jails Weren't Built for Women. Inmate Advocates Say That's a Big Problem', Time, 19 July 2017, <http://time.com/4864958/incarcerated-women-prison-inmates/>.

Magazine) and that the 'penal system is designed *by men for men*'<sup>26</sup> (The Guardian). Many activists, academics, politicians and practitioners (including myself) have also become accustomed to talking about how the prison system was designed by men for men to highlight the necessity to focus on the specific needs of women. However, there is a part of this phrase that I have come to question. The intimation that men have designed the system in a patriarchal manner with little concern for women, is certainly not the part that I am questioning; the inequality faced by women and girls in the vast majority of justice systems across the world is both deep and expansive. Rather, it is the part of the phrase that states that the system has been created *for men*.

I contend that it is true to say that the typical prison system has been designed for the physical restriction of male bodies, but not *for men* in any holistic, humane or rehabilitative sense. The difference is between the conceptualisation of those in prison as physical manifestations of the statistics about prison populations, homogenous, assumed dangerous and in need of control, and those who exist in reality, meaning the three-dimensional individuals who lead complex and widely varying lives. This assertion does assume, however, that we as a community believe that the justice system should not deteriorate men's mental or physical health and that the system should facilitate the rehabilitation of prosocial men. This is an assumption that does not fit with those who continue to promote retribution as a key informant to penal policy.

For prison systems to truly be made *for men*, the approach to those who identify as men and boys in detention needs to be informed by the diverse gendered pressures, needs and responsibilities of men. Currently, trauma-informed understandings of male violence and offending are side-lined to specialised programmes, unreachable for the majority, rather than being infused into the thinking about the justice process. Comparatively, little attention is paid to men as integral

parental figures and the complex pressures to express or perform masculinity in certain ways within the restrictive environment of the prison, are generally unaccounted for in prison practice. These conditions remain the case despite the existence of substantial scholarly work into masculinities and justice systems. Studies such as those from Boppre et al. have suggested that men's pathways to crime are directly influenced by experiences framed by masculine expectations such as physical domination and financial provision<sup>27</sup>. It can reasonably be argued, therefore, that policies for prevention and response to crime would benefit from being informed by a more holistic picture of the individual and their gendered pressures and expectations.

### Multiple masculinities and re-gendering men

it is true to say that the typical prison system has been designed for the physical restriction of male bodies, but not for men in any holistic, humane or rehabilitative sense.

The overwhelming focus on men in mainstream literature has led to the use of the term 'malestream'<sup>28</sup>. Yet, rather than this greater focus on men creating well-rounded and varied accounts of the particular societal demands, needs and responsibilities of the heterogeneous groups of men in prison, the tendency across most prison estates has been to apply broadly the same approach to all men regardless of their situation. In opening a discussion on global masculinities, Kulkarni refers to Harry Brod to explain that the

pervasive usage of men as generic humans has blurred our vision of women 'by pushing them into an undistinguished background' and also of men 'by bringing them into an overly highlighted foreground'<sup>29</sup>. Jennifer Rainbow has noted that although men have been the subject of most of the critical literature on prisons, the gendered element of men is rarely foregrounded, and therefore 'they are 'seen' (whilst simultaneously going 'unseen') as the norm, the stereotype and the population that prison was designed for in the first place'<sup>30</sup>. The issue is encapsulated in Joe Sim's reflection that critical analysis has focused largely on 'men as prisoners rather than prisoners as men'<sup>31</sup>.

26. Baroness Corston, Victoria Prentis, and Kate Green, 'The UK Penal System Is Designed by Men, for Men', *The Guardian*, 13 March 2018, sec. Public Leaders Network, <https://www.theguardian.com/public-leaders-network/2018/mar/13/penal-system-men-women-new-strategy-inquiry>.

27. Boppre, Salisbury, and Parker, 'Pathways to Crime'.

28. Wattanaporn and Holtfreter. p192

29. Mangesh Kulkarni and Rimjhim Jain, *Global Masculinities: Interrogations and Reconstructions*, 2019. p1

30. Jennifer Sloan, 'Saying the Unsayable: Foregrounding Men in the Prison System', in *New Perspectives on Prison Masculinities* (Springer, 2018), p123.

31. Jo Sim, "'Tougher Than the Rest? Men in Prison.'", in *Just Boys Doing Business?: Men, Masculinities and Crime*, Edited by T. Newburn and E. A. Stanko (Psychology Press, 1994). p101 (emphasis original)

Linked to this critique is the contention that multiple masculinities have been overlooked because the discourse has primarily focused on hegemonic expressions of masculinity, defined by Messerschmidt as 'those masculinities constructed locally, regionally, and globally that legitimate an unequal relationship between men and women, masculinity and femininity, and among masculinities'<sup>32</sup>. Within their critique of what they term the 'hypermasculinity hypothesis'<sup>33</sup>, Morey and Crewe warn against an exclusive focus on portrayals of 'male prisoners as hardened figures, stripped of their emotionality', due to the risk of obscuring the subtleties within the multiplicity of masculinities<sup>34</sup>. While the pressure to perform dominant forms of masculinity remains relevant to prison life<sup>35</sup>, we can reflect here on how part of the reason for the previous focus on hegemonic forms may be due to how prison policies and environments facilitate these particular performances of masculinity over others. Both the UN Special Rapporteur on Torture and the Subcommittee on Prevention of Torture have noted that detention facilities have cultures that maintain strict hierarchy and that those most subordinated, including LGBTQI persons, typically suffer double or triple the discrimination of others on mainstream locations<sup>36</sup>.

Acknowledgement of multiple masculinities in itself, however, is not enough. Hegemonic forms aren't necessarily the only forms that lead to violence against women and other men. Critiques have suggested that a focus on masculinities, rather than the action of men, can lead to the 'disembodying'<sup>37</sup> of men from their masculinity and thus the harmful effects of their actions are externalised and '[i]nstead of wondering whether they should change their behaviour, men 'wrestle with the meaning of masculinity'<sup>38</sup>. I advocate for a gender responsive approach to men — in practice — that does not aim to justify men's behaviour, nor externalise or abstract it, but instead uses understandings of gendered pressures and expectations to challenge

assumptions that underpin antisocial actions of men, including sexual and gender-based violence. Such holistic understandings could also inform policy decisions to reduce the additional trauma created by carceral environments, and attempt to reverse patterns such as that which have seen the number of incidents of self-harm increase year-on-year for over a decade in England and Wales<sup>39</sup>. Where many prison systems currently centre around cultures of physical dominance, choices could be taken to create environments to facilitate multiple outlets of prosocial masculinity. Alternative expressions of masculinity, such as Martin Glynn's 'Black Masculinities'<sup>40</sup>, Maguire's 'Vulnerable Masculinities'<sup>41</sup> and Rosemary Ricciardelli et al.'s 'Strategic Masculinities'<sup>42</sup> provide us with a greater understanding of multiple forms of masculinity (in the Western contexts of England and Canada), which could be used to inform policy and practice.

Furthermore, while these important contextual varieties warrant additional investigation, it is of paramount importance that these ideas remain closely aligned to their locations and that such theories are not centred in work in global South contexts. This is a particular caution for those interested in international 'good practice' and who are committed to preventing further presumptive universality of Western thought. There may be additional conceptual layers to consider in post-colonial contexts where longstanding, locally competing masculinities are in tension with colonially imposed western ideals.

Calling on the work of Homi Bhabha<sup>43</sup>, Janani Umamaheswar explains how colonial cultures never fully replicate themselves in other contexts, meaning that the influences of two cultures lead to hybrid identities and that such conceptions of masculinity can 'represent *challenges* rather than to colonial control'<sup>44</sup>. Umamaheswar has recently argued that discussion should be framed around how alternative 'hybrid masculinities' are actively constructed in prison, rather

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32. James W. Messerschmidt, *Hegemonic Masculinity: Formulation, Reformulation, and Amplification* (Lanham: Rowman & Littlefield, 2018). p75
  33. Martha Morey and Ben Crewe, 'Work, Intimacy and Prisoner Masculinities', in *New Perspectives on Prison Masculinities* (Springer, 2018), p18.
  34. Morey and Crewe. p38
  35. Indeed, the pressure to perform to hegemonic expectations (at least in Anglophone global North prisons) remains relevant, as Rod Earle highlights in his discussion of the fetishization of muscularity and the importance of being 'hench' as enduring aspects of masculine expression in contemporary English prisons – see Rod Earle, 'Being Inside: Masculine Imaginaries, Prison Interiors', in *New Perspectives on Prison Masculinities* (Springer, 2018), p51.
  36. United Nations, 'Ninth Annual Report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment', 22 March 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/059/73/PDF/G1605973.pdf?OpenElement>.
  37. Melanie McCarry, 'Masculinity Studies and Male Violence: Critique or Collusion?', *Women's Studies International Forum* 30, no. 5 (1 September 2007): p409.
  38. McMa-hon, 1993: 690–1 cited in McCarry, 2007 p410
  39. *House Of Commons Paper 856 - HM Chief Inspector of Prisons*. (S.L.: Dandy Bookseller, 2020). p37
  40. Martin Glynn, 'A Framework Model of Black Masculinities and Desistance', in *New Perspectives on Prison Masculinities* (Springer, 2018), 169–195.
  41. David Maguire, 'Vulnerable Prisoner Masculinities in an English Prison', *Men and Masculinities*, 2019.
  42. Rosemary Ricciardelli, Katharina Maier, and Kelly Hannah-Moffat, 'Strategic Masculinities: Vulnerabilities, Risk and the Production of Prison Masculinities', *Theoretical Criminology* 19, no. 4 (November 2015): 491–513.
  43. Homi Bhabha, 'Of Mimicry and Man: The Ambivalence of Colonial Discourse', *October* 28 (1984): 125–33.
  44. Janani Umamaheswar, "'Changing the Channel": Hybrid Masculinity in a Men's Prison', *Incarceration* 1, no. 2 (1 November 2020). p3 (emphasis original)

than framing discussion around 'how marginalized men 'compensate' for their inability to perform hegemonic masculinity'<sup>45</sup>. Part of decolonising the study of gender is to acknowledge the geopolitics of knowledge production and to recentre forms of knowing and being that have been peripheralised by western hegemony. Insights such as this, as well as those provided by Commonwealth Human Rights Initiative<sup>46</sup> in their report on the experience of transgender prisoners in India as a legally acknowledged 'third gender', can provide valuable inspiration for those considering challenges to dominant and binary conceptions of gender.

### Implementing a gender responsive approach with men

There are many ways a gender responsive approach to men in prison could be considered. In this section, I discuss some opportunities to learn from a gender responsive approach to women and explore the possibility of expanding on promising projects with men.

In many countries, staff training is the same for those working in women's or men's prisons, and this design has allowed staff to be redeployed between them. While some may see this as an operational imperative, others have looked to be innovative at this stage. Today in Canada, prison staff are specifically recruited to work with women as 'Primary Workers', or with men as 'Correctional Officers'<sup>47</sup>. The first two of three stages of the Correctional Training Program (CTP) remain the same for all future staff<sup>48</sup>, yet in Stage Three, there is a divide. Those employed to work with women, complete the 'Women Centered Training Orientation Program' (WCTOP). Staff taking this programme must pass an exam before proceeding to an eight-day course, which covers the history of women's corrections, current interventions and priorities, mediation, communication skills, effective intervention with women via boundary setting, and the importance of a trauma-informed

perspective. After successful completion of the final exam and deployment to their site, Primary Workers then receive an additional three days of Case Management for Primary Worker Training, which provides guidance on completing casework records, escorted temporary absence applications, correctional plan updates, security level reviews and private family visit applications.

Compare this to the experience of staff intended to work with men, who in place of rigorous training on communication skills and effective intervention, receive 13 days of firearms training, including one day of instruction on a 44mm grenade launcher. So while the approach to women in prison in Canada leads to staff trained and consciously positioned to facilitate a

positive environment to encourage rehabilitation, the approach to working with men equates to the arming of an occupying force. The job titles of the staff represent this divide in ethos. 'Primary Worker' suggests a staff member employed to support active and autonomous individuals, while 'Corrections Officer' evokes connotations of authoritative instruction, necessitating the passive compliance of those held and the threat of consequences.

There is no doubt that the culmination of such specific and progressive focus on the characteristics, needs and responsibilities of women in prison

during the WCTOP renders Primary Workers supremely more equipped to work with women in such a specific environment, than if the programme did not exist. Indeed, an evaluation of the program showed that only 3 per cent of participants during one batch of the WCTOP said that the training was not helpful for working with women offenders<sup>49</sup>. It appears that a significant opportunity has been missed here. While there may be a minority of men who will require an armed response, specific training on mediation, communication skills, and a trauma-informed approach would undoubtedly be appropriate for staff working with men. When considering the level of mental health concerns<sup>50</sup> and the

Part of decolonising the study of gender is to acknowledge the geopolitics of knowledge production and to recentre forms of knowing and being that have been peripheralised by western hegemony.

45. Umamaheswar. p2

46. CHRI, 'Lost Identity'.

47. All information describing Correctional Service of Canada (CSC) training procedures is taken from a document received in response to a direct request for information to CSC in 2018.

48. The first two stages consist of 50 online modules of approximately 80 hours of learning, followed by a further 40 hours of online learning and assignments.

49. A Nolan, A Harris, and D Derksen, 'An Assessment of the Women-Centred Training Orientation Program (WCTOP)' (Ottawa, 22 June 2017), <https://www.csc-scc.gc.ca/research/r-385-eng.shtml>. p21

50. For example, NHS England spending on mental health and substance misuse in prisons is more than double that within the NHS budget as a whole - see House of Commons and Committee of Public Accounts, 'Mental Health in Prisons', Session 2017-19 (Committee of Public Accounts, 13 December 2017), p8 <https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/400/400.pdf>.

high rates of suicide<sup>51</sup> in such Western contexts, it is inconceivable that any genuine attempt to maintain the wellbeing of men and boys in prison would not include the embracing of a trauma-informed approach and a greater understanding of the gendered pressures, needs and responsibilities. As Rainbow states very clearly, 'men have complex needs too'<sup>52</sup>. An exact replica of the WCTOP with men would be missing the point. However, a programme built on the evidence-based understanding of the pressures, needs and responsibilities of men in prison, their pathways to crime and causes of conflict would be a progressive move.

In Albania, multidisciplinary 'waiting commissions' consisting of a psychologist, a social worker, a medical doctor and a security representative, create individualised plans for the welfare of pre-trial detainees and prisoners, highlighting signs of anxiety, depression and other mental health issues<sup>53</sup>. The policy is in place for women and men, although it was noted that it was often more thoroughly applied with women<sup>54</sup>. Processes such as this give greater meaning to the imperative 'duty of care'.

Another area for consideration is that of prison systems designed to enable men to enact prosocial aspects of their masculine identities. Reflecting on his in-depth studies of men in English prisons, Maguire notes how many men expressed pain related to their perceived inability 'to live up to the respectable protector and provider masculinity of previous generations'<sup>55</sup>. Similar issues have been highlighted in Mahuya Bandyopadhyay's ethnographic studies of Indian prison culture<sup>56</sup>. Instead of moving men from their local communities, penal practice could be organised to encourage regular contact with their families. This would enable men to fulfil greater levels of parental and familial activity, with the potential to have positive impacts beyond the individual men. Katie Buston notes in her ethnography of a parenting programme in Scottish Young Offender Institution (holding male prisoners aged 16-21) that there 'appeared to be significant attitude change amongst the young men in relation to parenting' and that the space allowed men to display 'a softer side' rather than the aggressive and hypermasculine that they otherwise performed<sup>57</sup>.

Brown and Grant provide an example of an English prison programme that 'created spaces where Black men could reason together to deconstruct dominant and narrow representations of them as hyper-masculine and "irrational" and instead, showed 'practices of Black manhood and masculinity that are relational, complex, heterogeneous and liberatory'<sup>58</sup>. The authors provide positive feedback from participants about how the programme provided space for positive relationships in calm, supportive spaces and how they lamented that such spaces were 'novelties in prisons'<sup>59</sup>. In both prison programmes mentioned here, men described positive responses to the chance to present to 'softer' or 'supportive' masculinities that they were otherwise unlikely to display on the wing. Signs, therefore, point to the advantages of facilitating change so that these spaces are less of a novelty and are instead part of the fundamental thinking of prison regime.

### The concern about 'bringing men in'

Many scholars, activists and practitioners of gender reform have expressed concern about *bringing men in* to the discussion on gender, through fear that 'to talk about men and masculinity was *dangerous*, risking the hard-won gains of feminism'<sup>60</sup>. Part of the broader argument is that a central driver for the need for feminist movements has been the lack of focus on women, with men as the automatic normative benchmark or point of departure for discussion<sup>61</sup>. While women's movements have seen positive progress across several aspects of societies, many a promise of change has remained just that, with paper-based pledges of equality yet to be grounded in the everyday experiences of women.

A further concern is that rather than applying the progressive thinking of a gender responsive approach to the male estate, policymakers will instead remove the necessary time, space or resources to continue to build on this work for women, in a perverse and reductive version of equality. Due acknowledgement also needs to be given to the fact that public discussions of men's needs, rights and responsibilities, are often framed as being in opposition to those of women, or restricted due

51. Internationally, rates in men's prisons are 3-6 times greater than the general population - see Seena Fazel et al., 'The Mental Health of Prisoners: A Review of Prevalence, Adverse Outcomes and Interventions', *The Lancet. Psychiatry* 3, no. 9 (September 2016): p875.

52. Sloan, 'Saying the Unsayable'. p137

53. Jo Baker and DIGNITY - Dansk Institut mod Tortur, *Conditions for Women in Detention in Albania: Needs, Vulnerabilities and Good Practices* (DIGNITY - Danish Institute against Torture, 2015).

54. Ibid.

55. David Maguire, 'LEARNING TO SERVE TIME: Troubling Spaces of Working Class Masculinities in the U.K.', *RSA Journal*, no. 2 (2016). p21

56. Mahuya Bandyopadhyay, 'Competing Masculinities in a Prison', *Men and Masculinities* 9, no. 2 (1 October 2006): 186-203

57. Katie Buston, 'Inside the Prison Parenting Classroom: Caring, Sharing and the Softer Side of Masculinity', in *New Perspectives on Prison Masculinities* (Springer, 2018), p301 & 302.

58. Geraldine Brown and Paul Grant, 'Hear Our Voices: We're More than the Hyper-Masculine Label—Reasonings of Black Men Participating in a Faith-Based Prison Programme', in *New Perspectives on Prison Masculinities* (Springer, 2018), p146.

59. Brown and Grant. p152

60. Sarah C. White, "'Did the Earth Move?" The Hazards of Bringing Men and Masculinities into Gender and Development', *IDS Bulletin* 31, no. 2 (2000): p34.

61. See Criado-Perez's book for multiple examples of how society uses men as the natural point for departure: Caroline Criado-Perez, *Invisible Women: Exposing Data Bias in a World Designed for Men* (London: Chatto & Windus, 2019).

to some form of societal subordination of men, rather than a way of holistically investigating the best way to work with any individual. This narrative remains a pressing concern due to the emergent anti-women and anti-feminist Western online movements, such as 'Men Going Their Own Way' (MGTOW), or the 'Men's Rights Movement' (MRM)<sup>62</sup>. Jie Liang Lin explains that such groups which almost exclusively consist of straight cis-gender<sup>63</sup>, white, middle-class men from North America and Europe, 'espouse the abandonment of women and a Western society that has been corrupted by feminism'<sup>64</sup> and as Debbie Ging points out, is one of many manifestations of anti-feminist thinking, loosely grouped under the broad banner of 'the manosphere'<sup>65</sup>. Ging goes on to explain:

*'[T]he manosphere has since received considerable media attention, most notably for its extreme misogyny and association with high-profile, off-line events; from the Isla Vista and Oregon mass shootings... and cases of college campus rape to the sustained abuse and death threats directed at female gamers and journalists that culminated in Gamergate'*<sup>66/67</sup>.

So to be clear, the argument presented here is that while comparison to the observable progress with women from a gender responsive perspective is valuable — to spur an equal but different response to working with men in detention — it is not an argument framed in opposition to a gender responsive approach to women. *Bringing men in* and understanding gendered expectations and how they influence men's actions can potentially open space up to de-centre normative conceptions and to challenge assumptions that lead to the subordination of the feminine.

### Concluding thoughts

In England and Wales, the Corston Report<sup>68</sup> became the crucial enquiry that launched a thousand projects focusing on the realities of the needs and responsibilities of women in the justice system. Jennifer Rainbow laments the fact that there has been no equivalent for men in prison, even though many of the issues raised by the

report — such as an overrepresentation of prisoners who are survivors of violence and abuse, being coerced into criminal activity, drug addiction and self-harm — all apply to men in prison too<sup>69</sup>. Despite the strong scholarly writing on the diversity of prison masculinities, the leap to policy and practice influenced by such an evidence base has yet to be made. Those who design, manage and legislate policy for prisons are not neutral actors taking an objective stance to gender and masculinity. By ignoring the realities of the diverse responsibilities and needs of men in detention, such actors continue to assume the prison population to be a homogenous group, which perpetuates existing oppressive patriarchal narratives or passively permits aggressive and performative expressions of masculinity to proliferate.

This paper argues for greater attention to be given to the benefits of adopting a gender responsive approach to men in prison, whilst also recognising that there is no one kind of referent male model of responsibility and therefore the need for localised interpretivist research. It also calls for more significant investment in the study of alternative expressions of masculinity and localised, interpretivist examination of the needs and responsibilities felt by men, how they influence pathways to offending, behaviour in prison and recidivism. Prison regimes can make concerted efforts to facilitate and legitimise non-hegemonic forms of masculinity — expressions that incorporate 'empathy, caring, parenting, emotional/physical fragility'<sup>70</sup> — that are traditionally deemed too feminine to be valuable. Enacting this may go a long way towards appreciating the needs and responsibilities of the three-dimensional, diverse populations of men in prisons and simultaneously reduce the need for men to perform to narrow and unsustainable, antisocial expressions of masculinity.

In the vast majority of cases, prisons are not made *for men*, but merely for the physical restriction of male bodies. In order for prisons to be made *for men* in any holistic, humane or rehabilitative sense, the status quo will need to be disrupted. Those with prison governance responsibilities will need to acknowledge the diverse forms of masculinities present in prisons and recalibrate policy and practice to meet the needs and responsibilities of men in their care. The promising work of those adopting a gender responsive approach to women in prison can provide immense inspiration.

62. Jie Liang Lin, 'Antifeminism Online: MGTOW (Men Going Their Own Way)', in *Digital Environments*, ed. Urte Undine Frömming et al., Ethnographic Perspectives Across Global Online and Offline Spaces (Transcript Verlag, 2017), p77

63. A person whose gender identity matches their sex assigned at birth

64. Lin. P78

65. Debbie Ging, 'Alphas, Betas, and Incels: Theorizing the Masculinities of the Manosphere', *Men and Masculinities*, 10 May 2017, p3

66. Ging explains that: 'The Gamergate videogame controversy began in August 2014 when game developer Zoe Quinn's former boyfriend published a blog post naming a list of men she'd allegedly slept with to promote her game Depression Quest. Although his allegations were false, this sparked a movement that continues to be framed as an ethical stance against corruption in the gaming media. Female gamers, journalists, and game developers are still receiving rape and death threats'. p17

67. Ging, 'Alphas, Betas, and Incels'. p3.

68. Jean Corston, 'Corston Report. A Report by Baroness Jean Corston of A Review of Women with Particular Vulnerabilities in the Criminal Justice System' (Home Office, 2007), <http://www.prisonreformtrust.org.uk/WhatWeDo/ProjectsResearch/Women/History/Corstonreport>

69. Sloan, 'Saying the Unsayable'. p125

70. Ricciardelli, Maier, and Hannah-Moffat, 'Strategic Masculinities'. P493

# One Woman's Struggle for Justice

## Interview with Marie McCourt

**Marie McCourt** is mother of Helen McCourt, who was murdered in 1988. She has supported and campaigned on behalf of families of murder victims. She is interviewed by **Dr. Jamie Bennett**, a Deputy Director in HMPPS.

**Marie McCourt is the mother of Helen McCourt, who disappeared on 09 February 1988. Although Helen was never found, a local man was convicted of her murder based upon overwhelming forensic evidence. For over 30 years, Marie has searched for her daughter, hoping to lay her to rest. The man who murdered her has refused to disclose what happened or where Helen is.**

The search for Helen has been painful and frustrating. There have been financial and legal hurdles, many false leads, and hours of research as well as physically searching fields, mines, waterways, and woods. Marie has described that at times: 'those searches were to become a focal point of my life, a purpose for getting up each morning, a reason to keep going'. The searching and grief were intertwined so that: '...the searching was almost like a therapy'<sup>2</sup>.

Marie has also become a champion of criminal justice reform. Through her work with Support after Murder and Manslaughter Merseyside (SAMM Merseyside), Marie has supported other parents who have lost their loved ones including those who, like her, have not been able to lay them to rest. She has campaigned for better support for families, through media, litigation and lobbying. Most recently she has campaigned for 'Helen's Law', to ensure that those who refuse to disclose the whereabouts of their victims are refused parole. This campaign culminated in the Prisoners (Disclosure of Information About Victims) Act, given Royal Assent in November 2020. This Act places a legal duty on the Parole Board to consider the anguish caused by murderers who refuse to disclose the location of a victim's body when considering them for release. The law also applies to paedophiles who make indecent images of children but do not identify their victims.

When the law was passed, Justice Secretary and Lord Chancellor Rt Hon Robert Buckland QC MP said<sup>3</sup>:

'Denying families a chance to lay their loved ones to rest is a cruelty beyond words, compounding their grief further. Helen's Law makes it absolutely clear that murderers and evil sexual offenders who refuse to disclose information about their victims should expect

to face longer behind bars. Thanks to the tireless efforts of Marie McCourt and other campaigners more families should get the answers and closure they deserve.'

Marie herself has been clear that her campaign is not motivated by vengeance, but by compassion for the family members of those who have been murdered. She has said:

*'I am not a vindictive woman. My aim was never to see killers locked up and the keys thrown away. It was only ever about highlighting a cruel injustice and ending this cruel torture that has been inflicted on families for too long.'*<sup>4</sup>

Marie has told her own story in the moving and compelling book, *Justice for Helen*<sup>5</sup>, written with journalist Fiona Duffy. Fiona has been a supporter and friend of Marie for over 20 years and has played a critical role in the campaign for Helen's Law.

This interview took place in June 2021.

**JB: Over many years you have been both helped by Support after Murder and Manslaughter Merseyside (SAMM Merseyside) and you have helped others through your work with them. Could you describe the work of SAMM Merseyside and why it is so vital?**

**MM:** SAMM Merseyside provide an all-encompassing to support and advise all those affected by a homicide offering an all-inclusive service that gives both emotional and practical support enabling them to rebuild their lives. This covers many elements from using the personal experience of our volunteers and liaising with the many agencies and organisations that victims' families meet following their tragic loss. This support and advice service is vital as we want all secondary victims to move forward with their lives and not become a further 'victim' of the perpetrator

**JB: Police and other parts of the criminal justice system have developed their victim**

1. McCourt, M. with Duffy, F. (2021). *Justice for Helen*. London: John Blake. p. 98
2. McCourt with Duffy (2021) see n.1 p.158
3. See <https://www.gov.uk/government/news/helen-s-law-receives-royal-assent>
4. McCourt with Duffy (2021) see n.1 p.365
5. McCourt with Duffy (2021) see n.1



**support services over recent decades. What support has been offered to you through the police and other services? What did you want from the criminal justice system and were they able to provide this?**

**MM:** When I lost Helen there was no victim support service for families. The police Family Liaison Officer (FLO) was also non-existent. I was given two officers, one an officer close to retirement and the other a female who had been seconded to the Criminal Investigations Division. This officer realised the shortcomings of her role and went on to start FLO training for the police. The services offered to me at the time, which I now realise, were practically zero. I had no idea what I wanted or what perhaps were on offer. I have often described feeling 'like a child' being told what I could or not do. Because of this I had no expectations what could be provided.

Similar to the police officer, I realised these short-comings, and after I joined SAMM Merseyside set about highlighting them with the various agencies, by contacting them and also running training sessions for their staff.

**JB: During your long search for Helen, have the police or other state organisations had a role? What are the responsibilities of the state to continue to search in these circumstances?**

**MM:** During the time immediately after the murder family members assisted the police in their searches. When the police ceased their searching, which we acknowledged would happen; family and friends continued searching for many years. We still follow up any clue or evidence that may come to light even after all this time. For some time we had the presence of a police officer just in case we discovered anything. The police were very supportive of our efforts and would follow up positive samples we may have found.

As a family we appreciate the fact that there cannot be a continued search even in these cases. What should be in place is that similar families should have access to an FLO throughout the years, so if any information surfaces they have a contact point with the police. With the work I have undertaken with the

group, I have come across cases where the families do not have a direct contact and are left going from pillar to post to find the right person for contact and information. Other forms of support should be available if required.

**JB: You have described that too often, the victims of crime or their families are 'Out of sight, out of mind'<sup>6</sup>. How do you think the criminal justice system, including people working in prisons might better understand the experiences of this group of people?**

**MM:** The remark is aimed at what we feel many families are directed to when there is a parole hearing. We feel that there is almost a 'directive' to dissuade families from attending these hearings in person. They have had advice that they are very emotional and could be mentally and physically overwhelming and either directed to a video link or just putting their Personal Statements

To attend hearings in prison is an ordeal but one that many families undertake on behalf of their loved one. Hearings that I have attended either for my own case or supporting other families have been very educational. All have been completely different with the hearing facilities normally very poor, small crowded rooms, and the reception and progress through

the prisons normally poor.

These can be greatly improved and the experience lessened with a smoother progress in the practicalities. Also the way people interact, should be with the thought that we are individuals who have suffered such a traumatic loss and the hearings open old 'wounds' for us.

I still have some doubts on the Secretary of State's representative at these hearings. Are they strong enough with their input? What powers do they have? Can they make a change during the hearings? And how long are they in attendance at the hearings?

The consultation that is currently taking place regarding hearings will hopefully improve them as they may be held in proper courts, in public.

**JB: The man who murdered your daughter was granted parole prior to Helen's Law being enacted. Was there consideration of the fact that he had not disclosed the whereabouts of Helen?**

All have been completely different with the hearing facilities normally very poor, small crowded rooms, and the reception and progress through the prisons normally poor.

6. McCourt with Duffy (2021) see n.1 p.260

**MM:** The offender as you say did not come under Helen's Law. From the information that I have received, I am only allowed to stay to read my statement then leave, he was not questioned rigorously and was only subjected to what has been described as 'a feather-dusting' examination of his refusal to disclose where my daughter's remains are.

The written reasons do not appear to consider non-disclosure, but in the hearings decision they note that 'there is no doubt that [this man] murdered Helen McCourt but he has invested in himself that he is an innocent man so therefore will never tell Mrs McCourt where her daughter is and therefore there is no prospect of [him] ever disclosing the whereabouts of his victim even if he were to die in prison'.

The questioning under Helen's Law has to be strong and direct to obtain the information that I, and other families, desire.

On this basis they ordered his release.

**JB: Since this time, guidance has been produced on how the parole board should consider cases where the person convicted does not disclose the whereabouts of the victims remains.. What kind of questions would you want to see put in a Parole Board or by the Secretary of State's representative at a parole hearing?**

**MM:** Three questions I would like to be put are:

Why have you consistently and continually refused to reveal the location of your victims remains?

Are you aware of the implications of your actions on the victim's family?

Are you willing to meet with police, or a forensic psychologist, to discuss the matter with a view to providing information for the family?

**JB: You have described how you have approached legal hearings, including parole, saying, 'At least if you're in the room you can make an impact: walk in with dignity, place a photo of your loved one on the table, and make sure judges hear every single painful word'<sup>7</sup>. Some people would argue that legal processes should be objective and dispassionate. Why would you argue that it is important for people making such decisions to understand the people affected and their experiences?**

**MM:** I would agree that there are many within legal process are purely objective and dispassionate as it may be 'just another job' when the file arrives on their desk.

To a victim's relatives this is completely different. They are not just discussing an item of evidence this was a living, feeling person who came into their lives and taken from them in an act of violence. Those hearing the Personal Statements should feel the loss that this means as families show what this victim means to them and the affect of the loss. It is possibly the last chance that they have to explain their loss and their emotions which hearings should be aware of to illustrate how the perpetrator has changed them with their actions.

**JB: You have discussed the approach that people in the criminal justice system take, including judges, psychologists, prison staff. You have said, 'If I can urge one thing from my story, it is this: be kind and be fair. Show a little empathy'<sup>8</sup>. Have you experienced this from people in the criminal justice system, what difference has this made to you?**

**MM:** Over the years there have been improvements in approaches from certain sections within the criminal system. This especially within the CPS who now have a completely different

approach to families and witnesses which helps them as they travel through the Legal System. The Police with fully trained FLO's also given a more understanding service as following their training understand the affect on families that the offence has on families.

While petitioning for Helen's Law I found that politicians from both House of Parliament and individual Ministers always gave me not only huge support but with empathy and understanding.

**JB: You have tirelessly campaigned for changes to the law. You have engaged with the media, for example televisions and print. You have had mixed experiences of this. Fiona Duffy has clearly been a close supporter and helped you to communicate with the media. There have, however, been negative experiences. In your book you describe news stories that uncritically presented unfounded claims by the man who murdered your daughter. What have you learned about the media and how to engage with them?**

7. McCourt with Duffy (2021) see n.1 p.260

8. McCourt with Duffy (2021) see n.1 p.237

**MM:** The media can be both good and bad. At times they only appear to be looking for the sensational by line so that it may appeal to someone buying it. I have had meetings with editors when there have been negative articles not only on Helen but other cases from families. Excuses have been made such as the sub-editor who developed the headline could be the reason. These meetings are too late as the paper has already been published but always leave with the hope that the message has got through.

I have always been of the opinion to engage with the media as if you don't they possibly will go elsewhere for facts that are not always correct and can upset families. This policy has enabled me to get the correct facts out and keep the publicity re the case in the public eye as I needed as much of this as possible with the hope that Helen could be found.

**JB: As part of your campaign for Helen's Law, you turned to social media, particularly from 2016. How has social media changed how you campaign and the impact of your work?**

**MM:** This has been extremely important. I was completely uneducated on this but had to learn quickly with the help of family and friends. Facebook has been time consuming but worthwhile as I was able to keep numerous individuals up to date on the case and my petition with the added use of Twitter and WhatsApp.

With raising the online petition I was able to gain some 760,000 supporters. These numbers could never be obtained with the 'sign the petition' clipboard and has been a huge help in me making the changes that I have.

Social Media can be a dangerous 'tool' and can be used in a damaging, offensive way but without it I do not believe that I obtained the changes that I did.

**JB: Your campaign has been supported by influential people, including your local member of parliament. How significant is the support of powerful and connected individuals in gaining support for change?**

**MM:** Yes it was advantageous to have powerful and influential individuals connected to the cause. The petition was picked up by my MP, Conor McGinn, following a meeting with him and he initially introduced it to Parliament. From there the support

with petitioning and contacting other MP'S and Ministers gained strength despite numerous setbacks with General Elections, Brexit, changes of Party Leaders etc.

The influence of the more powerful individuals was significant but this was gained through my persistence with the petition which gained more and more publicity as time went on.

**JB: Litigation has been one of your strategies for seeking change and challenging decisions. Has this been effective? How do people, such as yourself, fund such action?**

**MM:** Since we had Helen taken from us we have funded everything ourselves from searches, travel, meetings and many other expenses which we never considered the total but just went ahead with the.

The example of the Judicial Review is an example of what the ordinary family could not afford including ourselves. Thankfully we were introduced to a Barrister in Chambers in London who offered to work on a Pro-Bono basis. At our initial meeting they made us aware that there could be costs if the other side won. It was then we raised the GoFundMe page to raise funds for this. When the JR was going to the High Court the opposition were talking of costs of 78k.

This figure was some 38k more than was in the fund. After much heart searching we decide to continue with the case. We lost the JR but luckily the lead Barrister had managed to get the opposition to agree to only take the fund total.

I cannot see any family such as ours being able to mount challenges through the courts as the costs are so huge.

**JB: You didn't have prior experience of politics, the media and criminal justice system. How have you managed to navigate these environments? Many people find these overwhelming or intimidating places. What was it like for you personally to find yourself in these worlds?**

**MM:** As I have mentioned in the book I was just an ordinary Mum. From somehow I gained a strength that even now I wonder from where. Yes at times it was intimidating but I was meeting these individuals as the mother of a murdered daughter who wanted to make changes for other families. I quickly learned from one

The influence of the more powerful individuals was significant but this was gained through my persistence with the petition which gained more and more publicity as time went on.

meeting to next how to get my case over and many of these powerful people are now friends.

**JB: In your book, several times you emphasise that your campaign is not motivated by malice or revenge, but instead by your concern is for the injustice for the pain inflicted upon families. Why have you felt the need to state this? Have you faced the assumption that you, or other families, are driven by vengeance?**

**MM:** The remarks re malice or revenge were made, even on several occasions, as I have encountered the remarks that not only myself but others who have had some murdered are looking for revenge with such remarks as ‘throw away the keys’ or ‘hang them high’.

The greater majority of members of the support group also are not looking for this ultimate action. Sentences with a decent tariff are more welcome. Many people who I have met with do not understand of my aims to reduce the pain on families. What good would it be to have the offender executed when they are the only ones with the answers that I, and others, need..

Many times in interviews, articles etc. I have addressed this possible assumption as I have found that many do assume that we are all out for vengeance.

All we want is our loved ones remains returned to us, to lay them to rest in a fit and proper way that everyone has the right to and the perpetrator has taken that away from us. They continue to have control over us by not revealing this information.

**JB: You say in the book that had the man who murdered Helen ‘...confessed and made attempts to put things right — by revealing where my daughter was and saying sorry for taking her life — I could have learned to accept what happened, forgiven even<sup>9</sup>. There are examples, such as Ray and Vi Donovan<sup>10</sup> or Jo Berry<sup>11</sup>, where people have been able to meet those who murdered their loved ones and this has been a painful but ultimately positive experience. Although clearly**

**not possible in your case, do you see a role for this kind of restorative justice?**

**MM:** I have been aware of the Restorative Justice through my work with the group. It has had both a positive and negative outcomes. There have been families who have attended them who have come away that felt that the offender was only going through the system to possibly get some recognition for this and others who have found it a very positive experience where the offender has shown true remorse for what they had done.

With the very careful preparation that is taken for the meeting I would never pre-judge them to families as this is a very personal decision to take.

I personally would never have attended a meeting on the basis that he was still saying that he was innocent and refusing to say where Helen was so would have been a waste of time till this information was forthcoming.

**JB: Your campaign has resulted in a change to the law, which bears your daughter’s name. What is next for you and your work?**

**MM:** After the Law was placed on the Statute Book I set my next target to keep aware of the outcome of Parole Hearings for families whose love one’s remains have never been recovered.

Whilst petitioning for the Law I made contact with many of these families, some I was aware of others I was not. I keep in contact with them and therefore am aware when their hearings are coming up. I want to know how much of a questioning the offender has particularly on their refusal to reveal the location of their victim.

It has taken over five years to get Helen’s Law and I want to ensure that it is being used properly by the Parole Board who can at times be seen to be very singular and not have and far to independent and answerable with their decisions.

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9. McCourt with Duffy (2021) see n.1 p.365

10. See <https://chrisdonovantrust.org/>

11. See <https://buildingbridgesforpeace.org/about-building-bridges-for-peace/jo-berry-founder>

# Book Review

## **The Ambiguities of Desistance: Ex-offenders, Higher Education and the Desistance Journey**

By David Honeywell

Publisher: Emerald Publishing Limited

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Price: £45.00

*The Ambiguities of Desistance* contributes to a growing body of research grounded in the lived experience of the researcher. Focusing specifically on the desistance narratives of people with convictions, this book considers challenges in accessing higher education while also drawing on other key themes which capture the struggle of negotiating between identities. Honeywell has framed this work around the 'divided self' whereby the author, as a convict criminologist, openly reflects on feeling part of his own research sample through an interrogation of the self. He describes being '*neither prepared for the unseen tensions created or the intensity of these emotions and the impact they would have*' (p.49) on his sense of self and recounts experiencing interviewing participants as having been traumatic in some instances. He states '*...at times some of the interviewees channelled [their painful narratives] by probing me about how I negotiate my past and present identities*' (p.48). This positionality permeates through the work and the author proposes that his '*personal experience and the process and subsequent immersion in the theory are an original and ground-breaking feature of this book*' (p.8). His personal experiences are particularly evident in the concluding remarks of the book which are primarily presented as self-reflection.

Honeywell directly acknowledges that desistance has been rigorously developed theoretically and that this book is

not contributing a new theoretical dimension, but rather, is further highlighting that '*desistance is an unending sentence*' (p.33) which can be an extended 'pain' to the well-documented deprivations of imprisonment. The author proposes that education can provide a mechanism of psychological escape for people with convictions, both inside and outside of the prison setting. However, drawing on the desistance literature, he acknowledges that the desire to change and being trusted by others are crucial to the realisation of utilising education in this way and progressing to employment.

This book deals with several issues concerning the 'pains of desistance'. Most prominently, the themes of university admission, painful narratives and convict criminology are discussed, underpinned by continuous self-reflection. Honeywell identifies some barriers to education, particularly presented by university institutions. While critiquing processes concerning the declaration of unspent convictions on application to university, Honeywell also advocates for the need to address disparity amongst universities about how they respond to staff and students with convictions. Further to this, he considers, through the experience of a research participant, the only partial cultural embedding of people with convictions into university life who are not accepted into student accommodation.

While attempting to uncover 'girl made good' stories, Honeywell recounts how some female research participants found solace in university residences, where they were able to access them. Specifically, in one instance, this was referred to by a participant as a sanctuary from former abusive relationships with the university

providing a dual role as liberation through educational empowerment and a safe space in the university environment. Going forward, it would be important to consider in more detail how universities are providing support to women with complex histories of trauma to ensure their wellbeing throughout the university experience.

Drawing on the 'reinventive institution' concept, Honeywell draws parallels between the university and the prison having duality in 'reinventive' and 'total' institutional characteristics. He argues that some prisons have the capacity to be reinventive through the provision of innovative educational opportunities, while some universities are more restrictive in nature.

Despite the reported barriers to universities for people with convictions, Honeywell advocates that there is a place for those with convictions who themselves become academics in the criminological discipline and that some universities embrace the histories of those whose lived experiences have become embedded in their academic practice. Interestingly however, the author notes how '*the convict criminologist can become trapped within that identity*' (p.63) through frequent reference to their own narratives in their teaching. As a result, Honeywell suggests that for convict criminologists, the process of transformation doesn't end, and this presents a specifically challenging dimension to the ongoing identity shaping element of the desistance process. This may be considered by the author for future work as an opportunity to interrogate how doctoral academic status in the possession of people with lived experience enhances the value they can offer to academia, while others with convictions may

struggle to enter academia at all. It may lead to discussions of whether there is a connection between a person's level of education and the perception of 'sufficient' desistance from the viewpoint of higher education institutions. This may contribute to the author's questioning of when desistance actually occurs (from the perspective of others), specifically through the lens of educational pathways.

Throughout this work, the author draws on the narratives of research participants, revealing more about the challenges of the desistance journey. Interestingly, Honeywell develops propositions about the power of painful narratives to evolve into resilience. He suggests that '*painful experiences can be a useful personal tool within the desistance process*' (p.39) to enable personal growth and thus, negative experiences can be utilised to strengthen determination.

In the discussion of painful narratives, important issues were raised concerning the invoking of traumatic memory through the development of academic knowledge. Through studying social science, for example, some participants developed a heightened awareness of their own lived experiences. This was illustrated by an account of a participant coming to realise injustices they had experienced as a child, with education having provided an understanding that they had been abused. Education in this sense led some participants to

open their eyes to '*all the injustices in the world*' (p.44) creating simultaneously enlightening and painful experiences. This has the potential to raise important considerations about the need for careful navigation through educational experiences that may trigger the recollection of traumatic pasts.

A core value of this contribution is the platform it creates for further questions and debates to be explored through the continued exploration of some areas of discussion. For example, from the author's perspective, '*universities are becoming more punitive towards people with convictions*' (p.23) and thus, admissions processes need to be consistently fair. In determining how this consistency can be or is being achieved, further conversation around current processes could be explored. UCAS announced in 2018 that they would no longer require all applicants to declare unspent criminal convictions as part of the application from the 2019 entry cycle onwards. Charitable organisations have begun providing guidance and training in a push to create balance between safeguarding and enabling. Nacro's *Safer admissions of students with convictions* training and Unlock's briefing (to support UCAS) on *Understanding applicants with criminal records* are two examples of steps towards Honeywell's call for more fairness in admissions processes. Examination of the impact of such initiatives would be a worthwhile undertaking

to examine the extent to which shifts in access and widening participation have occurred.

Furthermore, in this publication, the author presents an honest and transparent account of their positionality as a convict criminologist and how this was embedded in the approach to interpreting the research data, both at the time of the research and on reflection since. Having revealed the traumatic experience of interviewing participants with lived experience *and* engaging in research-led teaching at universities whereby continuous recounting of personal experience has become part of working life, the author has raised important points for ongoing discussion within the convict criminology community.

The key argument presented in this publication is that desistance is a '*never-ending experience*' (p.87) and Honeywell, through his own reflective narrative, has presented a persuasive argument that education can provide intellectual and environmental refuge and opportunities for people with convictions to carve a new or different path for themselves. However, as noted consistently by the author, this is conditional on academic institutions committing to engage in admissions processes that are transparent, fair and risk-averse in a balanced, evidence-based way.

**Dr Helen Nichols** is a Associate Professor in Criminology at the University of Lincoln.

# Interview: Alex Chalk MP, Solicitor General for England and Wales, and former Minister for Prisons and Probation

*Alex Chalk is MP for Cheltenham and is currently Solicitor General for England and Wales. He is interviewed by Dr. Jamie Bennett, who is a Deputy Director in HM Prisons and Probation Service.*

**Alex Chalk was elected as the Member of Parliament for Cheltenham in the 2015 general election, a seat he has retained in the two subsequent general elections. Prior to becoming a MP, he worked as a barrister, and was involved in both criminal and commercial work, including prosecuting serious crimes including terrorism, fraud and sexual violence.**

From June 2015 to January 2019, Chalk was a member of the House of Commons Justice Select Committee, which examines the policies and spending of the Ministry of Justice and associated public bodies, including courts, legal aid, prisons, probation and the rule of law. It also advises on sentencing guidelines.

In February 2020, Chalk was appointed as Parliamentary Under-Secretary of State at the Ministry of Justice. In this role, he was responsible for mitigating the impact of coronavirus pandemic on the justice system. In March 2021, Chalk was temporarily appointed as Prisons and Probations Minister whilst his predecessor, Lucy Frazer QC MP, covered the role of Solicitor General during the post holder's period of parental leave.

This interview took place in September 2021.

**JB: Could you describe your background and your route into politics?**

**AC:** I spent 16 years as a legal aid barrister, prosecuting and defending in serious criminal cases involving terrorism, homicide, and serious fraud — at the Old Bailey, Southwark Crown Court and across the country. Whilst living in London, I trained to sit on a Youth Offender Panel and also became a councillor in Shepherds Bush.

Appearing in our courts was a real privilege and hugely fulfilling, but I always had that public service 'itch' — the instinct to put yourself amongst the great problems facing our society and to play a part in their solution. When the opportunity to become an MP came up in my hometown of Cheltenham, I had to give it a go.

**JB: How would you describe the purpose of imprisonment?**

**AC:** There are many — but the key ones I'd pick out are punishment, protection of the public, and rehabilitation.

We need to go as far and fast as possible on that last one. Taxpayers spend around £18 billion on reoffending costs every year (far more than the total annual cost of the prisons and probation). Helping offenders put their criminality behind them is not just good for them — it's good for society and the taxpayer too.

It's why I'm so passionate about projects like Clink Restaurants, which will ramp up the number of prisoners across England and Wales working in the prison kitchens to gain valuable qualifications to set them up for jobs on the outside. Hope, and the dignity of a job, are powerful drivers to help offenders move forward with their lives.

When I visited the Clink Restaurant in HMP Brixton it was really moving to hear a trainer tell me that the prisoners he taught were more skilled and motivated than the students he'd taught on the outside.

**JB: The use of imprisonment is proportionally higher in England and Wales than in other Western European countries such as France, Germany and Republic of Ireland. Is imprisonment being used most effectively? How might you like to see the rate or use of imprisonment change in the future?**

**AC:** I'm a barrister first, and a politician second. So it's deeply engrained in me that the independent judiciary decide on sentence, having weighed up the details of the case together with the defendant's personal mitigation. Our job as the State is to give effect to the sentence of the court in a secure and humane way.

I can say though that I welcome the maximum use of alternatives to custody where that genuinely delivers justice for victims and the community. Community orders which mean offenders properly pay back for their crimes can in some cases meet the justice of the case, but these will only win the confidence of victims and judges if they are robust. They can't be a 'let-off' or a soft option. That's why I am so committed to ramping

up investment in making community payback credible, visible and local to the community where the crime took place.

When it comes to locking people up, I'm aware too that custody can be particularly damaging for women, and also their children, most of whom have to leave their family home when mum goes into prison. Women make up just 5 per cent of all prisoners, but through our Female Offender Strategy we are committed to reducing the number of women serving short custodial sentences, and we are developing Residential Women's Centres to provide a robust community sentence to address the often complex needs that can underly offending behaviour.

**JB: The government have announced £4 billion investment in 18,000 new prisons by the mid-2020s<sup>1</sup>. How will these prison places be different from current prison places?**

**AC:** They will be brighter, cleaner and greener. I've visited HMP Five Wells for example, and it is a far cry from one of those dank old Victorian prisons. The workshop facilities for example were really impressive, as were the visitor facilities which felt humane and decent. It was also good to see how the landings had been designed to allow for more on-wing purposeful activity.

Climate change is a massive priority for me and the Government, and our future prisons need to be part of our collective national effort to get to net zero emissions by 2050. Heat pumps, efficient lighting systems, and thousands of solar panels will help to reduce energy demand by half and cut carbon emissions by at least 85 per cent compared to prisons already under construction.

As well as delivering on sustainability, these new prisons will be built more quickly and cost effectively than ever before, thanks to modern construction methods and new technology that have already been incorporated into the new prison builds HMP Five Wells and at Glen Parva. We have evolved the design further for the four new prisons delivering better value through improved environment and accessibility, sustainability, and efficiency in construction.

**JB: There have also been plans announced for 500 new places in women's prisons<sup>2</sup>. Why are these needed and how will this accommodation differ from what is currently provided?**

**AC:** The number of women in custody has gone down since 2010, which is welcome. But women will still be sentenced to imprisonment in the future, and we need to make sure we have a prison estate which is modern, trauma informed and rehabilitative.

By investing in these places, we will be able to deliver major improvements in conditions. This will include for example the opportunity for more women to progress into open conditions in the same prison

establishment, providing greater opportunities for employment and education without the disruption of being moved to a different prison.

The new accommodation designs are also conscious of and directly informed by the lived experiences of women in custody, who may have experienced physical and emotional violence and sexual abuse or exploitation. They will be specifically designed to meet the needs of women.

But I want to see maximum use of alternatives to custody where that genuinely delivers justice for victims and the community. That's why we are also investing in those community services, such as those delivered by the Nelson Trust which I visited recently, that tackle root causes of offending.

If, as a result of the work through the Female Offender Strategy and other initiatives, the projected increase in the women's population does not materialise then we have committed to using these places to close down existing older, less suitable accommodation in the women's estate.

**JB: As you know, in 2020, prisons had to respond rapidly to the threat from the coronavirus pandemic. This required regimes to be curtailed in order to reduce transmission risk. What are your views on the actions taken in England and Welsh prisons?**

...we are developing Residential Women's Centres to provide a robust community sentence to address the often complex needs that can underly offending behaviour.

1. Ministry of Justice (2020). The New Prisons programme: Public Consultation. Available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/947285/new-prison-programme-buckinghamshire.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947285/new-prison-programme-buckinghamshire.pdf)
2. See <https://www.gov.uk/government/news/extra-funding-for-organisations-that-steer-women-away-from-crime>



**AC:** At the start of the pandemic Public Health England predicted up to 2,700 prisoners could be killed by the virus if certain conditions weren't met. At the time of writing, the figure is under 130. Every death is a deep sadness for the family and friends of the prisoner, and it's thanks to the decisive action taken by the Prison Service that the figures are not far higher. Thousands of officers and prisoners were kept safe during what has been the greatest challenge ever to face the service.

Although the measures were right and necessary, they were tough too and made day-to-day life in what was already challenging circumstances even more difficult. Understanding that they came at a cost, we prioritised prisoners' mental health and wellbeing when introducing them.

When we decided to temporarily suspend social visits for adult prisoners, in line with the new national restrictions, we issued mobile phones to establishments without in-cell telephony and introduced additional PIN phone credit each week. We also rolled out at pace secure video-call technology into every single prison in the male, female, and youth estate. Both these provisions enabled prisoners to remain in touch with their families, which is essential for their rehabilitation.

Innovative methods meant vital rehabilitation work — such as education and exercise continued despite restricted regimes by being moved in-cell where possible.

I'm incredibly proud of all our staff on the frontline who showed such courage, resilience and humanity.

**JB: How will prisons 'build back better' as the pandemic eases? What do you see as being the main features of the 'new normal'? How will the reductions in violence and suicide that have been seen during the pandemic be sustained when activities increase?**

**AC:** It is absolutely right that we continue to look at what lessons can be learned from the pandemic. As the country builds back better from the coronavirus pandemic, so too will the Prison Service.

The restrictions introduced across the estate were a temporary emergency measure to protect life — it was never intended to be a long-term solution to the problems with violence or self-harm across the estate. So we want to see a return the purposeful activity which is the hallmark of every successful prison.

I've visited a fair few prisons now, and I'm very conscious that they are all very different — different architecture, different prisoner cohorts, different culture. But there are some common themes that governors and directors across the estate I speak to seem focused on. In particular, there's a recognition that carrying out purposeful activity in smaller groups can be a valuable tool for driving down bullying and intimidation. I saw really good examples at HMP Bristol, for instance, of activities on wing and even on landing which prisoners were really positive about.

We have created a wellbeing plan for prisoners — which is a self-help tool that can be used by them to reflect on their triggers and coping strategies and shared with staff if they wish. We also recently refreshed guidance for all prison staff on how to identify individuals at risk of self-harm and suicide and ensure that they are provided with the support they need throughout their time in custody. We are currently developing new training focusing on risks, triggers, and protective factors relating to self-harm and suicide which will be rolled out to

prison staff in early 2022. The increase in activities will not eliminate the need for us to keep an eye on prisoner's mental health.

When it comes to violence, we know it is driven by a range of factors, which is why we are targeting illicit items such as drugs and mobile phones that cause so much damage when they get into the hands of prisoners.

**JB: Digital and technology are increasingly important in everyday life and yet the centre for Social Justice has described that prisoners are 'among the most digitally excluded in our society'<sup>3</sup>. What changes are taking place to improve access to information technology for education, family contact and resettlement? What**

We also recently refreshed guidance for all prison staff on how to identify individuals at risk of self-harm and suicide and ensure that they are provided with the support they need throughout their time in custody.

3. Centre for Social Justice (2021). Digital Technology in Prisons: Unlocking relationships, learning and skills in UK prisons. Available at <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2021/01/CSJJ8671-Digital-In-Prisons-INTS-210114-WEB.pdf>. P.4

## are the risks and opportunities of increased digital access?

**AC:** Throughout the pandemic, digital technology played a crucial role in enabling prisoners to maintain family contact. It was also hugely responsible for us being able to keep education running wherever possible, so its importance is clear. So much so, that we are exploring how we can optimise the benefits of video calling technology to maintain and improve family ties beyond the pandemic.

We know digital technology is key to reducing reoffending and cutting crime and that's why we're so invested in preparing prisoners for release by giving them the skills to find a job. After all, as the Centre for Social Justice noted, nearly all jobs require digital literacy of at least a basic level.

That said, we are extremely careful about providing digital access safely. We have a secure virtual learning platform in prisons called the Virtual Campus which has been extensively upgraded and is available on every prison education department computer. This is a secure web based-platform with limited access to the wider internet that supports education delivery — wider internet restrictions exist for good reason. Improved IT qualifications are already available in prisons and work is ongoing to improve the way offenders can access educational online platforms.

**JB: The Commission on Race and Ethnic Disparities<sup>4</sup>, commissioned by the government, made a number of important observations and recommendations. They concluded that while racism continues to exist in contemporary society, other factors, including geography, family, socio-economic background, culture and religion also have a role in shaping the life chances of individuals. The Commission also suggested that improvements could be found in supportive families and participation in civic life. What do you see as the implications of this report for prison, probation and youth custody?**

...we are extremely careful about providing digital access safely. We have a secure virtual learning platform in prisons called the Virtual Campus which has been extensively upgraded and is available on every prison education department computer.

**AC:** A key takeaway of the CRED report for us is how upstream factors, such as in health and education, or a person's socio-economic status, can make it more likely that someone ends up in the criminal justice system. As such we must continue to identify the key drivers of disparities and tackle them in a coordinated manner. It's why we also need to intervene as early as possible, preferably where (for example) a child is demonstrating challenging or disruptive behaviour at school, and before s/he has turned to crime in the first place.

CRED also calls for the development of alternative approaches to justice for young people, such as supporting children at risk of criminal exploitation before they are too enmeshed in criminality to readily extricate themselves. The findings from CRED are helping to guide the work of the HMPPS Race Action Programme, which builds on the MoJ Race Action Plan — the three-year programme, launched in December 2020, tackling racial discrimination and disproportionality across HMPPS and creating a diverse and inclusive workforce. Prisoners, children and those on probation are also an important focus for this ambitious programme which will aim to reduce reoffending and optimise rehabilitative practices.

Through greater engagement with the Third Sector, improved commissioning practices, enhanced recruitment processes, consistent application of policies and the provision of safe spaces to manage the effects of racial trauma, the HMPPS Race Action Programme will drive down the persistent inequalities which affect black, Asian and minority ethnic staff and prisoners.

**JB: Crime does not stop at the prison gate. There are people in prison who continue to be involved in serious and organised crime, and violent extremism. How do you plan to tackle the risks presented by these groups and individuals?**

**AC:** We must remain one step ahead of those criminals looking to continue illegal activities behind

4. Commission on Race and Ethnic Disparities (2021) Commission on Race and Ethnic Disparities: The Report. Available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/974507/20210331\\_-\\_CRED\\_Report\\_-\\_FINAL\\_-\\_Web\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974507/20210331_-_CRED_Report_-_FINAL_-_Web_Accessible.pdf).

bars — and that's why I'm so impressed by the new X-ray body scanners we're installing across the estate. They are better than anything we've previously seen in prisons and surpass anything currently on the market. The new technology is having a hugely positive impact, stemming the flow of contraband into jails and allowing staff to focus on rehabilitation.

The scanners form part of our wider aim to transform prisons, stepping up security to cut crime and ultimately better protecting the public.

We're spending £100 million to bolster prison security, clamping down on the weapons, drugs, and mobile phones that fuel violence and crime behind bars. Aside from the scanners, this is also funding other tough measures including phone-blocking technology and additional drug dogs.

We're also giving officers tools like PAVA pepper spray and body-worn cameras to make their jobs safer.

Terrorists are being locked up for longer and we have tough measures in place to prevent them from spreading their poisonous ideologies in prison. We're making sure our staff can identify, report, and stop such behaviour and so far, nearly 40,000 prison staff have been trained to do so.

We are committed to identifying extremist behaviour, and do this through monitoring communications, financial transactions, and the systematic removal of extremist materials from prisons.

Through effective management of terrorist offenders, we remain vigilant to the threat radicalisation poses both inside our prisons and upon release.

**JB: A previous policy for tackling serious crime was the indeterminate sentence for public protection (IPP), which operated between 2005 and 2012. There remain over 3000 people in prison as a result of these sentences<sup>5</sup>. What is your view of the legacy of IPP?**

**AC:** IPPs were a grave mistake in my view, and unwinding their legacy is extremely difficult. We are making good progress. There were 1,722 IPP prisoners

as at 30 June 2021 which represents a decrease of 13 per cent in the last year. The number of IPP prisoners who have been recalled to custody since then has also decreased by 2 per cent to 1,332. The overall number of IPP prisoners has fallen by more than two-thirds since 2012 so the numbers speak for themselves.

Our commitment is to help those still in custody progress towards release, but when a judge deems them to be a high risk to the public, it's left to the independent Parole Board to decide if they are safe to leave prison.

We will continue to support offenders with opportunities to demonstrate they no longer pose a risk to society.

**JB: Can prisons play a part in breaking the cycle of crime? How will those who want to change their lives be supported in prisons?**

**AC:** If prisoners are released without finding solutions to help ensure they turn their lives around this will ultimately result in more crime, greater harm to victims, and an increased economic cost to society.

Prisons can absolutely help with breaking the cycle of crime. For instance, figures published in 2017 showed prisoners who undertook education during their sentence were 9 per cent less likely to go on to commit further crimes compared to those who didn't.

Prison education helps to change lives around and is a big

part of our plans to reduce reoffending and cut crime. This is why we are boosting the learning on offer to prisoners by creating a new Prisoner Education Service which will, with the help of around 400 employers, provide work and learning opportunities to offenders. In June, the Lord Chancellor also announced plans for an overhaul of the education on offer for prisoners with learning needs.

Charities and companies have recently been awarded nearly £200 million to provide and signpost vital support services that help reduce reoffending, such as employment, mental healthcare, and housing advice. With reoffending accounting for 80 per cent of all cautions and convictions in 2019, these services will

We are committed to identifying extremist behaviour, and do this through monitoring communications, financial transactions, and the systematic removal of extremist materials from prisons.

5. Edgar, K., Harris, M. and Webster, R. (2020) No life, no freedom, no future. The experiences of prisoners recalled under the sentence of Imprisonment for Public Protection  
London: Prison Reform Trust. Available at [http://www.prisonreformtrust.org.uk/Portals/0/Documents/no%20freedom\\_final\\_web.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Documents/no%20freedom_final_web.pdf)

help to prevent thousands of people from becoming victims each year and have the potential to save billions for the taxpayer.

Our support towards prisoners doesn't end when they are released either. The £220 million package announced earlier this year to tackle crime included the largest extra investment in drug treatment in 15 years. This is crucial as every prisoner will be able to continue drug recovery on release and the funding will expand the availability of treatment for those serving community sentences.

Equipping prisoners with the skills needed to find jobs and contribute to society does not take away from the fact that they are being punished by being behind bars. We just want to ensure offenders don't return to prison once they regain their freedom.

We also know that families and friends can be a positive influence on reducing reoffending and supporting prisoners to build and maintain healthy family ties is one of the many important factors to successful rehabilitation.

For women, the impact on families and children is even more significant. Children of imprisoned mothers are particularly affected by a custodial sentence and are also at increased risk of becoming offenders themselves in the future.

That is why a follow-up report on strengthening family and other relational ties for women was commissioned as part of the Female Offender Strategy (2018).

We have accepted all Lord Farmer's recommendations, and continue to work across MoJ, HMPPS and wider Government to improve access to family support for prisoners.

Last year, for example, we introduced family video calling across all prisons, and in-cell telephony in all closed women's prisons.

**JB: What approach will you take to tackling drugs in prisons? Do you want to see more security, greater punishment or treatment?**

**AC:** We are finding and stopping more drugs from getting into the hands of prisoners than ever before. This is a direct result of our huge investment in prison security.

Drugs break up families, ruin lives, and are major drivers of violent crime. They can also prevent criminals from exiting the vicious cycle of offending, so it's vital we do all we can to stop them from getting into prison wings.

The £100 million we are spending on security is on top of the extra £70 million spent across the estate to fund security improvements, including phone-blocking technology, enhanced perimeter searches, and more drug detection dogs.

These investments are making jails safer, and we are working closely with healthcare providers to ensure prisoners have the support they need to live drug-free upon release.

Equipping prisoners with the skills needed to find jobs and contribute to society does not take away from the fact that they are being punished by being behind bars. We just want to ensure offenders don't return to prison once they regain their freedom.

**JB: Public confidence in offending behaviour programmes has been shaken both by the evidence that the sex offender treatment programme was not effective, and the cases where violent extremists have faked compliance with interventions. What do you believe works in rehabilitating people in prison?**

**AC:** The rehabilitation of sex offenders is a complex issue, subject to international scrutiny and research. We keep treatment programmes under constant review to reduce reoffending and protect the public. These programmes have been assessed and awarded accreditation by the

Correctional Services Accreditation and Advisory Panel, an independent committee of international experts. They attest to the fact that the programmes are in line with the latest evidence and thinking about what works.

In a similar vein, our approach to managing extremists in prison is recognised internationally and involves a range of tools, including tailored interventions which we continue to invest in and develop. These interventions help support reintegration into society and reduce the risk of further offending.

We have trained nearly 40,000 officers to spot the signs of extremism, more than doubled the number of specialist Counter-Terrorism staff, and have ended automatic early release for terrorists. Our new laws also mean they will face tougher sentences and monitoring on release.

**JB: Holding children in custody is complex and controversial. Recent years have seen the closure of the secure training centres at Medway and Rainsbrook following poor inspection reports. It is planned that a new secure school on the Medway site will offer a blueprint for more effective support for the small number of children in custody. How will the secure school approach differ from what has been tried previously?**

**AC:** Secure schools are a revolutionary approach to replace large custodial institutions with smaller settings that better cater to the complex needs of children. The new secure school on the Medway site will be run by education providers, who will provide a focus on education, healthcare, and rehabilitation.

We're committed to trialling secure schools as they have the potential to be instrumental in helping children get the support and relationships needed now and for their future resettlement.

**JB: The families of people in prison can have a significant and often positive impact on wellbeing and success after prison. Have you met with the families of prisoners? How do you want to ensure that prisons help and support them?**

**AC:** Over the last twenty years I have met with literally hundreds of families of defendants and offenders, including sitting with them outside court to explain what a life sentence or IPP means. Lord Farmer's 2017 review on prisoners and their family relationships rightly described creating and maintaining family ties as

the 'golden thread' running through the processes of all prisons. This thread runs through a prisoner's sentence and into the community space. Prisons play a vital role by supporting prisoners to keep in contact with their loved-ones and also by involving families during key stages of a sentence such as planning for release.

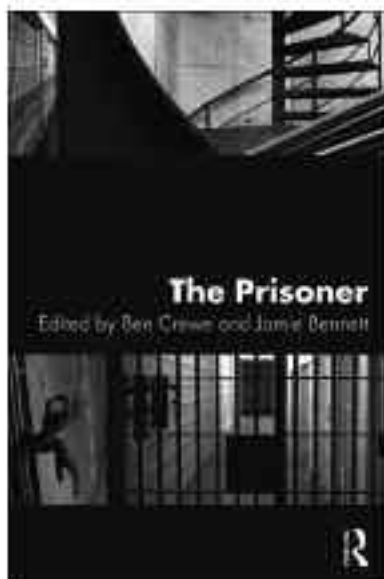
Technology has proved itself during this pandemic as a vital means for prisoners to retain and sustain those essential links.

**JB: Have you watched the recent BBC series Time? What role does the media have in shaping public attitudes and views? How does the media affect you in your role?**

**AC:** Yes I did. It was really powerful, and I know from my inbox that it prompted many people to take an interest in this area and write to their MP. Drama does have the ability to shape attitudes and trigger debates of course. I welcome that, but it's also important that the public get to see more real-life experience too. That's why we allowed cameras into prison recently see how terrorists are managed within the secure estate. It's so important that the public gets a sense of how modern prisons work, and the brilliant work that so many of our prison officers do, day in day out.

TV shows come and go, but there is a central theme that remains: the British people are overwhelmingly fair-minded. They recognise that when offenders are locked up, prisons should be safe, humane and rehabilitative. That is what we strive every day to achieve.

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# The Prisoner

Edited by

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and

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# PRISON SERVICE JOURNAL

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The editor is responsible for the style and content of each edition, and for managing production and the Journal's budget. The editor is supported by an editorial board — a body of volunteers all of whom have worked for the Prison Service in various capacities. The editorial board considers all articles submitted and decides the outline and composition of each edition, although the editor retains an over-riding discretion in deciding which articles are published and their precise length and language.

**From May 2011 each edition is available electronically from the website of the Centre for Crime and Justice Studies. This is available at <http://www.crimeandjustice.org.uk/psj.html>**

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Six editions of the Journal, printed at HMP Leyhill, are published each year with a circulation of approximately 6,500 per edition. The editor welcomes articles which should be up to c.4,000 words and submitted by email to **[jamie.bennett@justice.gov.uk](mailto:jamie.bennett@justice.gov.uk)** or as hard copy and on disk to *Prison Service Journal*, c/o Print Shop Manager, HMP Leyhill, Wotton-under-Edge, Gloucestershire, GL12 8BT. All other correspondence may also be sent to the Editor at this address or to **[jamie.bennett@justice.gov.uk](mailto:jamie.bennett@justice.gov.uk)**.

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