



Baroness Bennett of Manor Castle  
House of Lords  
London  
SW1A0PW

MoJ ref: SUB91596

22 November 2021

Dear Baroness Bennett,

### **POLICE, CRIME, SENTENCING AND COURTS BILL**

I undertook to write in reply to the question you asked during the Committee debate on amendments 212 and 213 to the Police, Crime, Sentencing and Courts Bill, concerning whether the Government had acted on a recommendation in the Joint Committee on Human Rights report on “Human Rights and the Government’s response to COVID-19: children whose mothers are in prison<sup>1</sup>”.

In full, the recommendation states:

23. *In the context of the pandemic, and the various restrictions in prisons introduced to control the spread of Covid-19, including the restrictions on visits, we consider it is more important than ever that the Ministry of Justice collect and publish data on the number of children whose mothers are in prison and the number of mothers in prison. This data must be collected immediately so that those affected can be provided with the necessary support. Further, as a matter of urgency, the Government must implement the recommendations from the Committee’s 2019 report that:*

*a) It should be made mandatory to ask all woman entering prison whether they have dependent children and what their ages are. This information should then be verified by cross-referencing it with child benefit data.*

*b) An annual census must be carried out in all prisons in which women are asked whether they have dependent children and what their ages are.*

*c) This data must be collated and published.*

The Government responded to the report on 2 September 2020<sup>2</sup> and in reply to this recommendation said:

*15. We acknowledge the need for improved collection and transparency of data on primary carers in prison and their dependents in the community.*

---

<sup>1</sup> <https://committees.parliament.uk/publications/1735/documents/16825/default/>

<sup>2</sup> <https://committees.parliament.uk/publications/3356/documents/32299/default/>

16. Information on a prisoner's caring responsibilities and children living in the community is monitored locally by prison Governors/Directors to ensure the appropriate support can be provided to women and their families. On reception into custody, all prisoners are asked if they have any children living at home and what their ages are.

17. Currently, this information is not captured in a way that can be centrally monitored, and we know that there are challenges around parents being reluctant to disclose this information due to fear of involvement from social services. However, we are considering how to monitor and publish this information

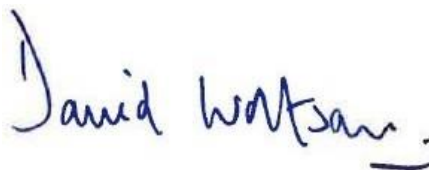
Our response makes clear that we are committed to collecting better quality data about the primary caring responsibilities of those in prison, although I would note that it does not commit to implement each element of the original recommendation, such as the annual survey or cross referencing our data with child benefit data.

The Basic Custody Screening Tool is completed in the first few days following entry to prison and while some information is already collected about parental responsibilities, the current questions do not clearly identify the numbers and ages of dependent children of primary carers who are in prison. We are refining the questions to provide us with more details of prisoners' primary carer responsibilities on entry into prison. Currently, we are working through the internal approvals process to secure the necessary authority to make these changes. Once this has been done, we will be able to access this information centrally and will also consider how and what we can publish.

Any data collected will continue to be reliant on self-declaration of the relevant information by prisoners and we know there can be challenges with parents being reluctant to disclose this information due to fear of involvement from social services. Primary carers will need to be reassured about why they are being asked so that they feel comfortable disclosing relevant information.

I hope this answers your question fully but please let me know if you require any further information. I will be placing a copy of this letter in the House of Lords Library.

Yours sincerely,

A handwritten signature in blue ink that reads "David Wolfson". The signature is written in a cursive style with a horizontal line at the end.

**LORD (DAVID) WOLFSON  
OF TREDEGAR, QC**