



The impact of Birth Companions' *Birth Charter for Women in Prison*

January 2023

Birth Companions' [*Birth Charter for Women in Prison*](#) was published in 2016 in response to long-held concerns about the risks faced by pregnant women, mothers and their babies in prison, and a new interest in this group by the then prime minister David Cameron¹. We saw and took an opportunity to highlight the urgent need for improved standards of care for women and babies in custody and a complete lack of provision for them in policy and practice.

The Birth Charter set out 15 principles of care relating to pregnancy, birth and the postnatal period in prisons. We hoped these principles would be taken up and used to form the basis of much-needed mandatory standards of care, set out in a Prison Service Instruction or equivalent.

Drawing on experience of supporting over 1,500 perinatal women in the prison system, the Charter offered a rights-based, practical vision of care that was meticulously evidenced and hard to disagree with. As a result, the framework it offered was adopted by many key stakeholders. The Charter principles were used to underpin a specific perinatal annex to the [*HMPPS Guidance on Working with Women in Custody and the Community*](#) (2018); referenced throughout [*Public Health England's Gender Specific Standards to Improve Health and Wellbeing for Women in Prison*](#) (2018); and informed the revised [*Women's prison Expectations used by HM Inspectorate of Prisons*](#) (2021).

NHS Health & Justice, the part of the NHS responsible for healthcare provision in detained settings, also employed the Charter in its efforts to strengthen services for pregnant and postnatal women. When plans for new **perinatal mental health pathways for all women's prisons** were set out in 2019, one of the stated goals was to "support the delivery of the Birth Charter". An **Institute of Public Safety, Crime and Justice report** the same year, developed to support the implementation of the perinatal mental health pathway in HMP Peterborough, showed that regional Health & Justice commissioners were assessing how well care in the prison complied with the health-based principles in the Charter.

The Birth Charter also drove forward calls for *compulsory* standards of care for pregnant women and mothers of infants in prison. These calls were supported by academic research, including a [*study by Dr Laura Abbott*](#) (2018) highlighting serious failings of care in the current system; and by parliamentarians, including Carolyn Harris MP who tabled several questions in the Commons making the case for standards to be set and met by the Ministry of Justice (MoJ) and HM Prison and Probation Service (HMPPS).

Carolyn Harris MP also worked with Birth Companions to host a roundtable session in 2019 with the then Prisons Minister Edward Argar and members of our Lived Experience Team. Following this session, attended by a number of MPs and civil servants, HMPPS

¹ <https://www.bbc.co.uk/news/uk-35515003>

informed Birth Companions of plans to review the expired Prison Service Instruction on Mother and Baby Units (MBUs) and invited the charity to be a key stakeholder in that process.

The tragic deaths of two babies in the prison system, and subsequent investigations by the Prisons and Probation Ombudsman, brought heightened public and professional interest to these issues, sustained and supported by our policy and communications function and members of the Birth Companions Lived Experience Team.

In the midst of this, we were able to use the Charter and our related work to emphasise the need for an expanded approach to updating the Prison Service Instruction, advocating for the development of standards relating to pregnancy, birth, and maternal separation from children up to the age of two, as well as MBUs. This expanded approach was taken up by HMPPS Women's Team, who were responsible for the project, and the additional areas of focus incorporated into the review. We collaborated closely throughout and, as a result, the Birth Charter principles form the backbone of the [**HMPPS/MoJ Policy Framework on Pregnancy, MBUs and Maternal Separation from Children up to the Age of Two**](#) (2021) and its associated operational guidance.

The Birth Charter was integral to the creation of this comprehensive set of mandatory standards. In particular, the creation of new dedicated roles within prison staffing teams – the Pregnancy, Mother and Baby Liaison Officer (PMBLO) – has already been transformative in many prisons, and has been matched by enhanced prison midwifery roles in the [**new maternity specification from NHS Health & Justice**](#) (2022).

Now, our emphasis is on ensuring that these and other associated policies translate into practice, and that their commitments are maintained and delivered against. This is not easy in a challenging prison environment and in the face of chronic staff shortages across Justice and Health. Birth Companions has taken on a leading role co-chairing the **National Stakeholder Forum** linked to the HMPPS Policy Framework, which will be central to its implementation and scrutiny. We are proud to be able to help lead this group, while also continuing our work to bring an end to the imprisonment of pregnant women and mothers of infants in all but the most exceptional of circumstances.

"In March 2016, the charity Birth Companions published its 'Birth Charter for women in prisons in England and Wales', detailing the services that it believes should be provided for perinatal women in prison. The principles outlined in the Birth Charter are supported by HMPPS and should be viewed as an accompaniment to this document, with staff encouraged to ensure that they are applied to women in our care wherever possible. Hard copies of the Birth Charter are available from Birth Companions on request by emailing info@birthcompanions.org.uk or it can be found at:

<https://www.birthcompanions.org.uk/resources/5-birth-charter-for-women-in-prison-in-england-and-wales>"

Annex L, [HMPPS Guidance on Working with Women in Custody and the Community**](#) (2018)** (supporting the [**Ministry of Justice Women's Policy Framework**](#))

"The Birth Charter, produced by Birth Companions, which is based on experiences of working with women in prison, identifies the need for training for officers on pregnancy, access to maternity clothes and appropriate bedding and provision of essential items of labour and early postnatal period as hospitals do not generally supply nappies, baby clothes or sanitary towels. Further information Birth Companions Birth Charter for women in prisons in England and Wales:

<https://www.birthcompanions.org.uk/resources/5-birth-charter-for-women-in-prison-in-england-and-wales>"

[PHE Gender Specific Standards to Improve Health and Wellbeing for Women in Prison in England \(2018\)](#)

Evaluation of women's health services for perinatal women in HMP Peterborough

"Working with NHS England (East), this project reviewed the effectiveness of healthcare services provided to women who have recently given birth or who are pregnant at HMP Peterborough. The scope of this project was to assess HMP Peterborough's compliance with three of the ten elements of the Birth Companions Birth Charter. Birth Companions are a charity that run services in women's prisons across England and campaign to improve the care of women and babies who experience multiple disadvantages."

[Institute of Public Safety, Crime and Justice \(2019\)](#)

National service specification for the care of women who are pregnant or post-natal in detained settings (prisons, immigration removal centres, children and young people settings)

"Post-natal women in detained settings must be given the same information and support to breastfeed or provide expressed breast milk for their infants as women in the community (Birth Charter, 2016). If they are having full care of the baby in hospital following delivery, feeding should be encouraged responsively and in-line with local infant feeding guidelines."

[NHS Health & Justice \(2022\)](#)