



National Offender Management Service

Mother & Baby Units

This instruction applies to:-		Reference:-
Prisons Providers of Probation Services		PSI 49/2014 PI 63/2014
Issue Date	Effective Date	Expiry Date
23 December 2014	23 December 2014	22 December 2018
Issued on the authority of	NOMS Agency Board	
For action by (Who is this Instruction for)	<p>All staff responsible for the development and publication of policy and instructions</p> <p><input type="checkbox"/> NOMS HQ</p> <p><input checked="" type="checkbox"/> Public Sector Prisons</p> <p><input checked="" type="checkbox"/> Contracted Prisons*</p> <p><input checked="" type="checkbox"/> National Probation Service (NPS)</p> <p><input checked="" type="checkbox"/> Community Rehabilitation Companies (CRCs)</p> <p><input checked="" type="checkbox"/> Other Providers of Probation and Community Services</p> <p><input checked="" type="checkbox"/> Governors</p> <p><input type="checkbox"/> Heads of Groups</p> <p><input type="checkbox"/> NOMS Rehabilitation Contract Services Team</p> <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
Instruction type	Service specification support/ legal compliance	
For information	Deputy Directors of Custody	
Provide a summary of the policy aim and the reason for its development / revision	The revised PSI provides an operational framework for all women's prisons in delivering the MBU specification and provides clear, substantiated guidance for MBU staff ensuring the best interests of the child are the primary consideration. The previous version of PSI 54/2011 has been revised in light of lessons learned from its operation.	
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Associated documents	<p>PSI 51/2011 Faith and Pastoral Care for Prisoners</p> <p>PSI 32/2011 Ensuring Equality</p> <p>PSI 02/2012 Prisoner Complaints</p> <p>PSO 3601 Mandatory Drug Testing</p> <p>PSO 4800 Women Prisoners</p> <p>Ofsted Standards</p> <p>Working Together to Safeguard Children, DfE</p> <p>NOMS directory of service specifications</p>	
Replaces the following documents which are hereby cancelled: PSI 54/2011 Mother & Baby Units		

Audit/monitoring: NOMS Deputy Directors of Custody and Controllers, will monitor compliance with the mandatory actions set out in this Instruction.

Introduces amendments to the following documents: None

Notes: *All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.*

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1. Executive Summary

- 1.1 This PSI provides clear, substantiated guidance to enable managers and staff to make defensible decisions in relation to assessment of suitability for, and ongoing provision of Mother and Baby Unit (MBU) places. It covers the role of MBUs, the Application process, Separations and Managing MBUs. It sets out the revised operational framework for all women's prisons in delivering the MBU specification and applies to all adult female prisoners (aged 18 and over), including recalls, received into prison.

Background

- 1.2 In line with legislation, the National Offender Management Service has in certain circumstances allowed mothers to care for their babies in MBUs in prison. A MBU is designated living accommodation within a women's prison, which enables mothers, where appropriate, to have their children with them.

- 1.3 The following provide the legal foundations and principles for the operation of MBUs:

- Prison Rule 12(2) entitles the Secretary of State to permit a female offender to have her baby in prison with her subject to any conditions he sees fit. This rule underpins the PSI as it allows the Secretary of State to place conditions on offenders' access to the MBU.
- Children Act 2004, section 10 provides a duty on Local Authorities to make arrangements to promote cooperation between themselves and others, including prisons, to improve the well-being of children.
- Children Act 1989 - this provides that when a court determines any question with respect to the upbringing of a child, the child's welfare must be its most important consideration and that when deciding on where the child should live, it must be presumed, unless the contrary is shown that involvement of the parent in the life of the child will further that welfare (section 1 of the Children Act 1989). Section 2 sets out who has parental responsibility for a child in a range of circumstances and section 3 defines "parental responsibility" as all rights, duties, powers, responsibilities and authority which by law the parent of a child has in relation to a child and is property. The **mother** retains parental responsibility for the child whilst the child is in the MBU, to the extent that it is possible given her imprisonment.
- The United Nations Convention on the Rights of the Child 1989, Article 3, paragraph 1. This states:

"In all actions concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration"
- The European Convention on Human Rights 1950, Article 8 (Right to respect for private and family life) provides the following.
 1. Everyone has the right to respect for his private and family life, his home and his correspondence.
 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime,

for the protection of health or morals, or for the protection of the rights and freedoms of others.

The Working Together to Safeguard Children guidance (DfE, 2013) further supports the assessment practices relating to MBUs.

- A child in need is defined under the Children Act 1989 as a child who is unlikely to reach or maintain a satisfactory level of health or development, or their health and development will be significantly impaired, without the provision of services, or children who are disabled. In these cases, assessments by a social worker are carried out under **section 17** of the Children Act 1989. Children in need may be assessed under section 17 of the Children Act 1989, in relation to their special educational needs, disabilities, or as a carer. They may also be assessed because they have committed a crime. The process for assessment should also be used for children whose parents are in prison and for asylum seeking children. When assessing children in need and providing services, specialist assessments may be required and, where possible, should be coordinated so that the child and family experience a coherent process and a single plan of action.

- 1.4 The implementation and regulation of the processes for MBUs is governed by other legislation. All legislation is referenced in this PSI.
- 1.5 Findings suggest that during the first 18 months of life the pressure of maturation tended to protect babies from low stimulation environments and development progressed normally¹. However, from the age of 18 months babies may be more sensitive to the stimulation of the environment they reside in.² Relationships are key features of the environment and process of attachment, the quality and sensitivity of the mother /child interaction at 6-15 weeks correlates directly with the "attachment relationship" at 18 months.³ Within the first 24 months of life foundations for language comprehension, reasoning and impulse control develop. Beyond this, major development of working memory, inhibitory control, cognition and mental flexibility occurs.
- 1.6 All MBUs should be available to accommodate babies up until the age of 18 months. There may be exceptional circumstances where the child should remain in the MBU beyond 18 months which will need the approval of the Head of the Women's Team, see paragraphs 2.18 and 6.1.
- 1.7 There are maximum age limits determined by Ofsted registrations requirements for nursery facilities. Where a MBU nursery facility is Ofsted registered beyond 18 months babies will still be required to leave the unit at 18 months unless permission has been given by the Head of the Women's Team. Mothers may be remand or sentenced prisoners and may be British or Foreign Nationals. A mother is only admitted to an MBU following:
- a) An application by a mother for a space on the unit
 - b) A recommendation to the Governor from the multi agency admissions board, chaired by an Independent Chair
 - c) The endorsement of that recommendation by the Governor

The decision to admit a mother and her child takes into account:

- a) Whether it is in the best interests of the child

¹ Jiminez, J.M and Palacios, J (2003) When home is in jail: Child Development in Spanish Penitentiary Units, *Infant and Child Development*, 12, 461-474

² Jiminez, J.M and Palacios, J (2003) When home is in jail: Child Development in Spanish Penitentiary Units, *Infant and Child Development*, 12, 461-474

³ Lewis, M et al, 1984

- b) The necessity to maintain good order and discipline within the MBU
- c) The health and safety of other babies and mothers within the unit

There is an appeals process in place and this can be found under paragraph 2.42 of the PSI.

- 1.8 Together with guidance under each output, this PSI provides additional instructions and guidance set out in the specification.

Desired Outcome

- 1.9 An environment is provided which promotes care of babies and young children by their mother. Mothers are enabled and encouraged to have their children with them in prison during the important period of bonding and arrangements are in place to assess and admit suitable mothers. The unit provides a comfortable, safe and stimulating environment suitable to the ages and stages of development of children. The best interests and safety of children on the unit are a primary consideration in all matters and the service works for the best prospect of a successful resettlement of the mother and child in the community. Where mothers and children are to be separated, the process is effectively planned and sensitively handled.

Key outcomes for the Service:

- The Unit provides a safe, secure and appropriate environment for babies and young children to live with their mothers.
- Children are safeguarded and concerns are raised accordingly, including emergency medical care for the child, if required.
- The best interests and safety of children on the unit are a primary consideration.
- The unit safeguards the child's welfare, allows the mother and child relationship to develop normally and promotes healthy child development.
- Attachment between a mother and her child is promoted.
- Mothers are enabled to exercise appropriate parental responsibility for their child, whether the child is with them in prison or being cared for by nominated carers outside of the prison environment.
- Mothers living on the unit continue to take part in the regime of the prison, including activities aimed at addressing their offending behaviour.
- Children have access to a similar level of services and support to that which is available in the community.
- Positive staff/prisoner engagement is in place.

Mandatory Actions

- 1.10 *All mandatory actions are shown in italics. Governing Governors and Directors of contracted prisons must ensure that the care of those prisoners resident on MBUs is undertaken in accordance with this PSI.*
- 1.11 *The NPS or CRC must carry out the mandatory action shown in paragraph 2.11.*
- 1.12 *Governing Governors and Directors of contracted prisons must ensure that all relevant staff are aware of the procedures and any changes to them.*

Resource Impact

- 1.13 *This PSI introduces a minimum staffing level, requiring that there must always be one member of staff allocated to the unit. When mothers are not present or qualified nursery staff are on duty staff can be directed to alternative duties by the Governor/Head of Unit to support other functions within the establishment. In addition staff allocated to the unit must be trained in first aid. Within the prison there must always be a member of staff on duty who is trained in paediatric first aid (including child/adult resuscitation) who can be called to the MBU if required. A Resource Impact Assessment has been undertaken based on the updated operating model and the minimum staffing requirement will be reflected in the Benchmark for the Women's prison estate.*

(Signed)

Digby Griffith
Director of National Operational Services, NOMS

Specification Outputs

2. OUTPUT - ADMISSIONS

Prisoners and Staff are aware of policies relating to MBUs including the application procedures for admissions and appeals

- 2.1 *The Governor/Director must ensure that procedures are in place to ask women on reception or at the earliest opportunity whether they are pregnant or have children under the age of 18 months. They must be provided with the prisoners' information booklet "All About MBUs" written by NOMS Women's Team. This information must be available in reception, first night centres and induction units, on each residential unit and in the prison library.*
- 2.2 *Governors/Directors of all Women's prisons must appoint a named MBU Liaison Officer or Deputy who will be responsible for assisting the woman to complete the application form correctly ([Annex A](#)), compiling a relevant dossier ([Annex B](#)) and; forwarding the dossier to the appropriate establishment Unit for consideration.*
- 2.3 *All eligible women who wish to apply for a place for their child on a prison MBU must be referred to the nominated Mother and Baby Liaison Officer, or in their absence their Deputy, no later than seven days from the date of request. The Liaison Officer must advise the applicant on which is the most appropriate Unit but ensure the applicant fully understands that her application is for a place on any MBU. The woman must only apply for the unit of her choice; she must not make a separate application to any other unit. **A decision by one MBU to allow or refuse admission is binding on all MBUs.** Where a mother is applying to have more than one child with her, for example she may be pregnant but also have a child of below the age of 18 months in the community, the application for each child should be considered separately but must take into account sibling attachment.*
- 2.4 *Wherever possible all applications should be made not less than three months before the expected date of delivery. A dossier must be compiled by the Mother and Baby Liaison Officer of the establishment where the applicant is resident. It should contain at least the following information;*
- Local Authority Children's Services Report
 - Adult Social Service Report, where appropriate
 - Security Report
 - Relevant Medical Reports
 - Personal Officer Report
 - Report from Community Offender Manager
- 2.5 *The applicant must give permission in writing before disclosure of any Medical Reports. If the applicant refuses to have medical information disclosed, the refusal must be recorded, with the reasons, if known. Relevant medical reports to include as a minimum: GP health records (which should include relevant hospital attendances & input); and mental health history to include substance misuse history, undiagnosed learning difficulties, psychological reports and accurate mental health needs & treatments including personality disorders. Collation of this evidence is supported by Gregoire, A, et al (2010) (The mental health and treatment needs of imprisoned mothers of young children, Journal of Psychiatry and Psychology, Vol. 21 (3): 378-392) and Birmingham, L. et al (2006) (The mental health of women in prison MBUs, The Journal of Forensic Psychiatry and Psychology, 17 (3): 393-404).*

- 2.6 *Governing Governors and Directors of contracted prisons must ensure that the National Probation Service or Community Rehabilitation Company is asked to provide a report for inclusion in Admissions Boards.*
- 2.7 *To obtain a Children's Services report, a referral for assessment must be made to the Local Authority where the mother is ordinarily resident, making a clear distinction as to whether the referral is for a Pre-Birth Assessment or as a child in need. The former assesses the mother only. Within **one working day** of a referral being received, a local authority social worker should make a decision about the type of response that is required and acknowledge receipt to the referrer. Assessments must consider: previous social care input; mother's personal history and contact as a child and adult with social care and mother's relationships e.g. domestic violence and suitable other carers for the child. The maximum timeframe for the assessment to conclude, such that it is possible to reach a decision on next steps, should be no longer than 45 working days from the point of referral. If, in discussion with a child and their family and other professionals, an assessment exceeds 45 working days the social worker should record the reasons for exceeding the time limit. However, upon acknowledgement that the referral has been received and the type of assessment required decided upon the referrer should reiterate the specific circumstances of the case and the urgency to conclude matters if there is a child in the community separated from its mother.*
- 2.8 *A Children's Services report is required in all circumstances and any decision regarding admission should not be made until one is received. If a child is unknown to Children's Services a report must be obtained which stipulates what enquiries Children's Services have made. Where Children's Services are still unable to make a recommendation regarding the offering of a place on an MBU, a report must be obtained which provides that they are not aware of any concerns which would prevent a place on a MBU being offered.*
- 2.9 *The Mother and Baby Liaison Officer or Deputy must ensure that the application form is filled in correctly and forwarded immediately with the dossier of information listed above to the applicant's unit of choice.*
- 2.10 *If information comes to light which means the applicant would not be able to have the child or a place on the MBU, for example, they do not have parental responsibility or there is a Sex Offences Prevention Order in place etc, the Board should consider not holding an Admissions Board. If a Board does not take place a letter should be written to the applicant explaining why this is the case. All other applications must be considered by multi agency Admissions Board chaired by an Independent Chair unless withdrawn by the applicant herself or her authorised representative.*

Composition of the Admissions Board

- 2.11 *The purpose of an Admissions Board is to make a recommendation to the Governor/Director of a prison with a MBU on whether a child and mother should be admitted to a Prison Service MBU.*

An ordinary Admission Board (not an emergency one) must be multi-disciplinary and should include as a minimum;

- *Independent Chair ([Job description set out in Annex C](#))*
- *Manager with Line Management responsibility for MBU*
- *MBU Manager*
- *Community Offender Manager. The Community Offender Supervisor can attend on behalf of the Community Offender Manager but the Community Offender Manager must provide a report for the Admissions Board. ([Community Offender Manager Report template set out in Annex D](#))*

The applicant can be accompanied by their Personal Officer or another appropriate person who can offer support and this must be offered to the applicant at least 48 hours prior to the Board (subject to security checks and the agreement of the Independent Chair).

It is highly desirable to have a social worker from Children's Services in attendance to represent the best interests of the child.

- 2.12 *The papers for the Admissions Board must be circulated to all attendees, including the applicant, prior to the Admissions Board. We suggest this is at least 48 hours prior to the Board taking place and while we understand this may not always be possible, every effort should be made for papers that are available to be circulated at the earliest opportunity.*
- 2.13 *The Independent Chair must assess whether the information provided by Children's Services is sufficient to enable them to make a recommendation to the Governor/ Director. If there is not sufficient information provided the MBU Manager must escalate the matter with Children's Services, for example contacting the Social Worker's manager.*
- 2.14 *Where the mother (applicant) cannot attend in person, a video or telephone link should be used wherever possible. If video link or telephone facilities are to be used, the mother must give her consent in writing to being present via video link or telephone before the Board sits. If it is not possible to use a video or telephone link facility, the reasons must be recorded in the minutes of the Board meeting and the mother must be invited to make a full written submission to the Board prior to the meeting date . She must be assisted to do so by the Mother and Baby Liaison Officer of the prison from which she is applying. If the mother's first language is not English then she must be provided with translation services. The Board could consider holding the Admissions Board at a different location, such as the prison that the applicant is currently residing in.*

Considerations of the Admissions Board

- 2.15 A Board's consideration should involve a rigorous and balanced evaluation of all available information, particularly the evidence submitted in the mother's dossier, the details of her application, length of the sentence given, whether separation may be inevitable and the verbal or written evidence she provides.
- 2.16 *The best interest of the child is the primary consideration (alongside the safety and welfare of other mothers and babies in the unit) therefore the Board must be satisfied that the following criteria are met before admission is granted:*
- *There are no concerns about mother's conduct and behaviours which may place her own and other mothers and children on the unit at risk*
 - *The applicant has provided a urine sample for a Mandatory Drugs Test (MDT) which tests negative for illicit substances*
 - *The applicant is willing to refrain from substance misuse.*
 - *The applicant is prepared to sign a standard compact, which may be tailored to her identified individual needs.*
 - *The applicant's ability and eligibility to care for her child is not impaired by poor health or for legal reasons such as the child being in care or subject to a Child Protection Plan as a result of the applicant's treatment of that child.*
- 2.17 Other than in relation to an emergency admission, a decision to offer a mother a place on a MBU should not be made without a written report from the appropriate Local Authority Children's Service which states that they are not aware of any concerns which would prevent a place on a MBU being offered. This report will be formulated based on an early help assessment, such as the Common Assessment Framework, and should raise any

significant concerns in relation to past parenting history which might impact on the mother's ability to parent in an MBU this includes:

- safeguarding issues
- whether there have been previous legal proceedings leading to permanent removal of previous children,
- the outcome of any specialist assessments carried out in relation to parenting
- the likely impact on the child of any known substance misuse during pregnancy and the anticipated needs or identified needs of the baby.

The report should also consider alternative possible care arrangements for the child, particularly if it is envisaged the child may leave prison before its mother, and determine whether other family members may be able to care for the child if appropriate.

- 2.18 In the majority of cases the length of sentence actually served in prison will allow the mother and child to leave the prison together. Long sentences may not permit that to happen due to the policy that children are normally required to leave at the age of 18 months. There should be some flexibility in this policy where the exceptional circumstances of a particular case mean that the interests of the child outweigh any other consideration. An example of when an extension might be considered beyond the 18 month age limit is when a woman's release date falls a few weeks after her baby reaches the 18 month age limit, or when a foreign national woman, with a long sentence, needs to make arrangements for a family member to come from abroad to care for her child. Each case will be considered on its merits, including whether any exceptional circumstances might apply, on the recommendation of the Separation Board. Further guidance on the Separation process is provided in section 6 below.
- 2.19 *Where the Separation Board proposes that a child should remain in an MBU beyond the age of 18 months, the case must be referred to the Head of Women's Team for a final decision as to whether an extension to the 18 month age limit is approved. The final decision must take into account the views of the Governor/ Director. Such a referral should not be made any earlier than the child reaching 6 months or any later than the child reaching 15 months, except for when the exceptional circumstances of the case mean that this is not possible. The Head of Women's Team will aim to provide a response within the time limits set in [PSI 02/2012 Prisoner Complaints](#).*
- 2.20 In some cases where a woman is serving a long sentence, it may be considered to be in the child's best interest to allow admission for a short period. Attachment to their mother should be a consideration to promote a relationship where appropriate for the future. For example if the separation plan includes a transition from mother to an alternative carer and the subsequent regular contact can be maintained so that the child can continue to have a relationship with their mother. The decision is for the Admission Board to make as part of its recommendation to the Governor/Director.
- 2.21 *A woman offender on a prescribed Methadone or Buprenorphine (subutex) withdrawal or maintenance programme must not be excluded from a place on a Unit solely for that reason.*

Recommendations and decisions taken about the welfare of the mother and child must be defensible, based on evidence and properly recorded and administered.

- 2.22 *The Chair of the Admissions Board must communicate the recommendation to the Governor/Director of the prison with the MBU within 24 hours of the conclusion of the Board. It is the responsibility of the Governor/Director at that prison to reach the final decision and must inform the applicant in writing within 2 working days of the Board unless there are exceptional circumstances ([Annex E](#)). Where the applicant is located at another*

establishment the admission decision must be forwarded by email or fax to the Governor/Director of this holding prison, who must ensure that the applicant is given the written response and reply within two working days of the Board's decision, unless there are exceptional circumstances.

- 2.23 *The decision to refuse the admission or to separate must be based on evidence and recorded properly.*
- 2.24 *The Chair of the Board must ensure that the relevant information in the reports or from attendees is made known to the Board and accurately recorded.*
- 2.25 *Where there is a need for discussion in the absence of the applicant this must be explained and the reason for it recorded.*
- 2.26 *The Chair of the Board must clearly record the Board's deliberations and reasons for arriving at a recommendation and whether or not the decision was unanimous.*
- 2.27 *The minutes of the Admission Board must be circulated to all attendees, including the applicant, within fourteen days of the meeting. Accurate documentation is essential.*
- 2.28 *The applicant must sign to confirm that the admission decision has been communicated to her in writing. She will retain one dated copy and a second dated copy must be placed in the woman's application dossier. The decision must also be recorded on P-Nomis.*
- 2.29 *The written replies giving the outcome of the Admissions Board should be in the form of the sample letters set out in [Annex C](#).*
- 2.30 *If a second application from a woman who has had a conditional refusal is turned down or an initial application from a woman has been absolutely refused, then the following procedure must be followed;*
- *If the woman applying for a place was not present at the Admission Board or not a participant in the Admissions Board via video or telephone link, she may request that a Board be reconvened in her presence.*
 - *If the applicant was present at the Admission Board, or a participant in it by video link, she has the right to appeal through the request and complaints procedure to the Head of Women's Team.*
 - *No impediment should be placed in the way of a prisoner who wishes to express her grievance outside the system, for example by taking legal advice preferably from a child care solicitor. Every prison should have a Law Society register within their library which prisoners should be made aware and given access to in order to choose a law firm from whom to seek independent legal advice.*

Categories of Admission

- 2.31 *In reaching its decision, the Board should be aware that there are several types of admission and refusal and should choose the appropriate one for the case.*
- *Temporary Admission*
 - *Emergency Temporary Admission*
 - *Full Admission*
 - *Conditional Refusal*
 - *Full Refusal*

Temporary Admission

- 2.32 This is granted when a woman is considered suitable for an MBU but is on remand, waiting trial or is convicted but un-sentenced. *It must be explained to the woman that she is being temporarily admitted and that she will be re-boarded for full admission when her sentence is known. A clear record that she has been informed must be made.*
- 2.33 *The Board for a temporary admission must be held in line with the guidelines set out in paragraph 2.11. The potential outcome of the applicant's trial should not be a consideration factor.*
- 2.34 *When her sentence is known the Board must reconvene to make a final decision on the case. The implications of her sentence will be considered. It may be that she can continue to reside on the MBU until her release or separation may be required for her and her child.*

Emergency Temporary Admission

- 2.35 Emergency Temporary Admission to a MBU may be granted by the Governor/Director without a full board for unpredictable cases in circumstances where it is thought desirable for the baby to be with the mother while her application is being processed, for example where the pregnancy is in an advanced state and the baby is due imminently. *Those involved in such a decision must take all possible measures to identify and assess any risks to the child/mother and any other mothers and children on the unit. The Children's Services where the mother is ordinarily resident must be informed immediately so that they can provide the prison with information to enable the Governor/ Director to make an appropriate decision.*
- 2.36 *In all such cases a full emergency Board must be convened as quickly as possible. Every effort must be made to ensure that all necessary people can attend with the required information. As much information as practicable must be collected within the few days available; input from the Local Authority Children's Services where the mother is ordinarily resident is essential. This may be in the form of a telephone conversation noted in writing by the member of staff from the prison but must be followed up by a written report from the relevant Children's Services by email or fax. If Children's Services have no information on the woman or any previous children a risk assessment must be completed by the Board based on the woman's current and previous offences.*
- 2.37 A dip test which tests negative for illicit substances is sufficient for an Emergency Board if there is not time to carry out a Mandatory Drug Test (MDT). *However, a MDT must still be carried out if a place has been granted on the MBU by the Emergency Board at the earliest opportunity.*
- 2.38 *When a child enters a MBU following an Emergency board, the staff must take reasonable measures and follow appropriate safeguarding procedures with regard to any noticeable injuries or infectious diseases.*

Full Admission

- 2.39 This is granted when the mother is sentenced, all the necessary documentation is available to the Admissions Board members and the Board is satisfied of the criteria set out in paragraph 2.16.

Conditional Refusal

- 2.40 A conditional refusal is offered when the Board would be prepared to recommend full admission if the applicant/mother could successfully address certain identified issues. *Where an applicant has been given a conditional refusal, the reasons must be clearly*

explained to her and accurately recorded. A realistic time frame must be set to allow her to address any issues identified by the Board. Staff must provide appropriate support and assistance to the applicant. A further application may be made at the end of the period using the above process.

Refusal

- 2.41 The applicant should be refused a place on a MBU if her case fails to meet any of the admission criteria.
- 2.42 An applicant has the right to appeal a decision not to allocate a place on an MBU. She should use the [Prisoner Complaints system PSI 02/2012](#) in the first instance. All appeals should be addressed to;

Head of Women's Team
Equality, Rights and Decency Group
NOMS
4th Floor
Clive House
70 Petty France
London SW1H 9EX

3. OUTPUT - MANAGEMENT OF A MOTHER & BABY UNIT

The MBU provides a safe and suitable and decent environment that meets the needs of those who live there.

- 3.1 A MBU is designated separate living accommodation within a Women's Prison, which enables mothers to have their children with them whilst in prison. It is a drug free unit where, in order to promote healthy child development, a calm and peaceful environment is required at all times. The Unit promotes the development of the mother and child relationship.
- 3.2 As the child is being cared for in special circumstances the child is classed as having additional needs in line with the Common Assessment Framework (CAF). Each child on the Unit should have an allocated Lead Professional; this could be the mother's personal officer, the health visitor or the crèche worker. The Lead Professional co-ordinates the Team around the Child/Family.
- 3.3 The Lead Professional is responsible for highlighting concerns within the multi agency network and referring the child to Children's Services where the mother is ordinarily resident. *Any immediate concerns identified by any professional/ person working with the child/ mother must be referred immediately to Children's Services and not wait for the Lead Professional to do this.*
- 3.4 Where the child has been assessed as a child in need or a child in need of protection by the home Children's Services Authority, the lead professional is the allocated social worker attached to that home authority. The allocated social worker is responsible for reviewing and updating the Child in Need plan as well as co-ordinating the team around the child.
- 3.5 The expectation is that MBUs should be calm places with a friendly and welcoming atmosphere, which encourages children to thrive.
- 3.6 *Babies and their mothers must not be locked in their rooms. When mothers on the units are required to remain in their rooms their doors must not be locked.*
- 3.7 MBUs should be managed in a fair and open way. Mothers will have the same access to records and reports as other prisoners. All documents relating to their own babies will be made available and disclosed to the mother, unless it is assessed that the child would be at risk of harm. *The mother must be fully involved in decisions regarding her child and herself unless this would place the child at risk of significant harm.*
- 3.8 Full and up-to-date documentation on all aspects of the mother's and child's daily life on the unit should be kept. These should be free of value judgements. *All incidents be fully documented, and substantiated by evidence and referred to the Lead Professional/ Children's Services/ Community Offender Manager as appropriate.*
- 3.9 Because units are communities in which children are in critical formative years, a high standard of conduct is expected from mothers. Any behaviour that may be prejudicial to the health or development of children, or disrupts the tranquillity of a Unit, may result in a mother's removal from the unit because of the risks she presents to others, including her own child. *However, it is important to bear in mind that separation and removal from the Unit is a very serious step and must be proportionate to the seriousness of the issue.*
- 3.10 While MBUs are part of a prison and exist in the prison setting, it is essential for Units to have a child-focussed regime and environment. The Units exist primarily for the sake of the children and the adverse affects of living in prison should be alleviated wherever possible.

3.11 *Any visitors to the MBU must be assessed for the risk they may pose to the mother and baby they are visiting and all other residents on the MBU.*

3.12 *The National Statement of purpose for Prison Service MBUs must be clearly displayed on all MBUs.*

3.13 **STATEMENT OF PURPOSE FOR MBUs:**

The MBU provides a calm and friendly place within the prison for babies and children to live with their mothers up to the age of 18 months. Mothers are enabled to exercise parental responsibility (to the extent that this is possible given her imprisonment) and continue to care for their child.

The best interests of the child or children are the primary consideration in all matters.

The Unit provides the mothers with support and facilities to enable the mother and child relationship to develop and to safeguard and promote the child's welfare.

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

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

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

3.15 *As a minimum, there must always be one member of staff allocated to the unit. When mothers are not present or qualified nursery staff are on duty staff can be directed to alternative duties as see fit by the Governor/Director/Head of Unit to support other functions within the establishment. There must be Health and Safety risk assessments in place and staff allocated to the unit must as a minimum be trained in first aid. Within the prison there must always be a member of staff on duty who is trained in paediatric first aid (including child/adult resuscitation) who can be called to the MBU if required. Mothers must be provided with detailed guidance as to what to do in an emergency.*

3.16 *Staffing levels and qualifications must also comply with public standards as set out in the Department for Education's Statutory Framework for the Early Years Foundation Stage, in particular, those relating to crèches, sessional day care and full day care nurseries, whichever is applicable to the MBU of the Prison.*

3.17 *Every prison which has a MBU must have a Contingency Plan/Policy in place for Child Protection, First Aid including paediatric first aid and Resuscitation, which should include checklists and flow charts for managing such events.*

3.18 *The requirement for discipline in MBUs is greater than normal. It is part of the ethos of the Units that they are quiet, orderly places with a calm atmosphere primarily for the benefit of the children. A mother's behaviour is taken into account in the admission process but if*

behaviour changes once on the unit action should be taken, this could be in the form of a warning before expulsion.

- 3.19 *It must be borne in mind that emergency expulsion from the unit is a last resort option as it involves the immediate separation of a child from their mother who has been their primary caregiver. The effect of separation must be weighed up against the risk of not separating and consider whether any safeguards can be put in place to reduce the risk/ address the issues.*
- 3.20 *In consequence, disciplinary options other than expulsion must be fully considered first. If expulsion is considered to be the only option there must be clear evidence to demonstrate that the well-being of the child and/or other occupants of the Wing are being threatened by the mother's conduct. If the case is approaching this point the Head of the Women's Team must be contacted urgently to assist with the proper resolution of the case.*
- 3.21 *Governors/Directors must ensure that all accommodation where mothers and babies are resident is designated "illicit drug-free".*
- 3.22 *Mothers must agree to remain illicit drug free whilst on the unit and sign the standard compact to this effect. The standard compact can be found in the prisoner handbook "All about MBUs"*
- 3.23 *MBUs should permit prescribed medication, including the treatment of substance misuse. A woman prisoner on a prescribed Methadone or Buprenorphine (Subutex) withdrawal or maintenance programme must not be denied a place on a unit simply because of that medication. Her continued residence on the unit will be subject to successful completion of the withdrawal regime, if this is her chosen option, followed by evidence of absence from illicit or non-prescribed drugs. Such women may also be prescribed Naltrexone as a relapse prevention intervention, and again this is permissible while resident on a MBU.*
- 3.24 *A woman on an opiate substitute programme must not be denied a place on a MBU solely on this basis. Methadone, Buprenorphine and Naltrexone may be prescribed indefinitely after release from prison. These medications cannot be given in possession and must be taken (whilst in prison) under strictly supervised conditions. This also applies to any Benzodiazepine medication. This will ensure the Unit itself remains drug free.*
- 3.25 *Women who are detoxing during birth do not need to remain with their child in hospital once they are declared fit to return to prison. If a child is to remain in hospital for observation or treatment, arrangements must be made for mothers who wish to breast feed to express milk and for this to be delivered to the hospital. In these circumstances steps must also be taken to ensure mothers have reasonable contact with their child, using release on temporary licence where applicable.*
- 3.26 *Governors/Directors must ensure that in addition to the standard drug testing procedures women applying for a place on a MBU undertake a risk based Mandatory Drug Test (MDT). In addition to the usual response to a positive or refused MDT (see [PSO 3601 Mandatory Drug Testing](#)), the results of the risk based MDT will inform (not dictate) the decision to offer or refuse a place on a MBU. Whilst on the MBU, women may be subject to MDT as normal (targeted and/or random tests, in accordance with [PSO 3601 Mandatory Drug Testing](#). Staff must be made fully aware of this and ensure all applicants understand the situation.*
- 3.27 *The safety of children on a MBU is paramount. Mother's resident on a MBU who are found guilty at adjudication following a positive or refused test, or another drug related offence, must have their case reviewed by a Separations Board and runs the risk of losing her place on the MBU. The proportionality of any decision should always be borne in mind. Regular prison sanctions may also apply.*

Childcare arrangements are in place to allow mothers to fully participate in the prison regime and address offending behaviour

- 3.28 *Governors/Directors must ensure that there is a nursery facility organised and run by staff qualified in early years childcare to enable mothers to take part in agreed activities, including Offending Behaviour Programmes.*
- 3.29 *Each prison with a MBU must annually register their nursery provision with OFSTED under the appropriate standard. Childcare providers that care for children from birth to 5 years must follow the Early Years Foundation Stage framework.*
- 3.30 *Governors/Directors must ensure that specialist staff hold the appropriate qualifications to do the work required as set out in the [Department for Education's Statutory Framework for the Early Years Foundation Stage](#).*
- 3.31 *All staff involved with the MBU must have clear job descriptions and agreed objectives which identify their roles and responsibilities within the Unit. Accountability and line management must also be clear for each member of staff.*
- 3.32 *Governors/Directors must ensure that all legal obligations on MBUs are met and that all staff with responsibility on the Units are trained and fully competent to meet their usual duties.*
- 3.33 *Establishments must take reasonable steps to ensure that Prisoners on MBUs have access to the full range of regime opportunities available.*
- 3.34 *After the birth of the baby the mother is entitled not to attend work or classes for a period of six weeks. After the six week period, if deemed medically fit, mothers are required to return to work and to participate in Offending Behaviour Programmes to enable them to successfully complete their sentence. Where a mother has been deemed medically fit but requests an extension to the six week period, this must be referred to the Governor/Director for a final decision.*
- 3.35 *To assist Governors/Directors in this specialist area, the Women's Team in co-operation with Training Services provides a course entitled "Management of Pregnant Women and Mothers with Babies in Prison". Staff working on a MBU may wish to undertake this training. The course covers key legislation and activities.*

4. OUTPUT - MANAGEMENT AND WELFARE OF WOMEN PRISONERS TO BE READ IN CONJUNCTION WITH RESIDENTIAL SERVICES SPECIFICATION AND PSO 4800 WOMEN PRISONERS

Mothers (including expectant mothers) are supported and their daily needs are met.

- 4.1 All basic items, for example cots, are provided. MBUs do have stocks of some articles but it is expected that mothers will provide their own personal equipment using their Child Benefit payment. U.K Citizens are entitled to claim Child Benefit. The entitlements are the same as those provided in the community. The money should be used to purchase items that will benefit the baby. Where Child Benefit is not paid, e.g. in the case of Foreign National Prisoners, mothers will be assisted financially by the prison to purchase basic items that will benefit their babies. Some Unit items may be loaned to mothers for the duration of their stay.
- 4.2 Each MBU will have its own local list published on the Unit but generally any article within reason and age appropriate should be allowed.
- 4.3 It is expected that food for babies will be purchased by the mother and, wherever possible, have facilities to enable the mother to cook for the child.
- 4.4 Food for mothers (including expectant mothers) will be provided by the Prison Catering Department.

5. OUTPUT - MANAGEMENT AND WELFARE OF CHILDREN

Decisions and actions enable mothers to exercise parental responsibility, to the extent that it is possible, for their children

- 5.1 *Once on the Unit the mother has responsibility for the day-to-day care of the child, and she must continuously demonstrate by her conduct that she is a fit and appropriate person to remain there.*
- 5.2 *Governors/Directors should ensure that facilities, which comply with Health & Safety Regulations, are provided for mothers to prepare appropriate foods for their children.*
- 5.3 *Mothers must have opportunities to develop parenting skills. They must engage with any education or parenting classes that is included as part of their sentence plan.*

Babies and Children receive all appropriate care

- 5.4 *Governors/Directors must ensure that a Child Care Plan ([Annex D](#)) is completed for every child who is resident on the MBU. The Plan will include consideration of separation from the mother, as part of the child's planned development. *The Plan must be drawn up as soon as possible, but at the latest within four weeks of admission.* The mother will participate fully in this process, along with the relevant professionals. This plan will be reviewed and updated by the Lead Professional (refer to paragraph 3.1).*
- 5.5 *Where the child has been assessed as a child in need or a child in need of protection by the home Children's Services Authority, the child will have an allocated social worker attached to that home authority. In these circumstances the lead professional is the allocated social worker and there will be an additional child in need plan, which the allocated social worker will be responsible for reviewing and updating as well as co-ordinating the team around the Child.*
- 5.6 *Governors/Directors must ensure that arrangements are in place for babies to have access to as full a range of health visiting services as those available in the community.*
- 5.7 *Governors/Directors must ensure that babies and children have access to a full range of paediatric health services and that mothers' and pregnant women's health care needs are met with reference to Prison Service Health Care Standards.*
- 5.8 *All MBUs must have a written policy on Child Nutrition, including breastfeeding, based on NICE guidelines on maternal and child nutrition.*
- 5.9 *In recognition of the restrictions of living on a Unit, the Governor/Director must seek ways to provide the babies with a variety of different experiences. These should include contact with other family members and the outside world. For example, by contact with appropriate outside organisations or groups for advice and guidance on a particular case, for access to facilities, where feasible, for an identified need. Agencies which may be involved could be Local Authority Adult and Children's Services, NHS England, Healthcare staff, General Practitioners, nurses, midwives, health visitors, paediatricians, allied health professionals, mental health services, psychologists, educationalists, day care services, children's centre, charities, housing and Probation Services. Recognition should also be given to the child's religious and cultural identity and reference should be made to [PSI 32/2011 Ensuring Equality](#) and [PSI 51/2011 Faith and Pastoral Care for Prisoners](#) for general information on faith practice.*

- 5.10 *Governors/Directors must have systems in place which recognise the need for children to spend time in the community.*
- 5.11 Mothers should be encouraged to maintain family contacts for their babies, where appropriate. If the child has been assessed by Children's Services as a Child In Need then the plan and implementation of that plan for the child will be co-ordinated by the allocated social worker with input from the wing staff and other agencies.
- 5.12 Some mothers in MBUs will be some distance from their home. Those mothers may face difficulties seeing children from whom they have been separated and in finding individuals who could assist in taking their child out of the prison on visits. The MBU should support the mother in maintaining family links. The child may be taken out by nursery staff to ensure it has access to the community. If the mother is suitable for Release on Temporary Licence, she will be able to take the child out into the community.
- 5.13 Foreign National women often have additional difficulty in trying to retain contact with family and other children abroad. Every possible support and advice in order to maintain family links should be offered to these women.
- 5.14 *Staff and prisoners must be made aware of the resources available to them at their establishment regarding translation and interpretation services and how to access them.*
- 5.15 Babies are not prisoners, and when they are living in a Prison MBU, it serves as their home. While the mother has parental responsibility for her child, to the extent that this is possible given her imprisonment, the Governor/Director simultaneously has a duty of care for both the child and mother.
- 5.16 The Governor/Director has a responsibility for ensuring that children living on a MBU are only handed to persons who are suitable and appropriate to care for the child, and in particular, do not present a risk of harm to that child.
- 5.17 *All persons who volunteer to take the child out of the prison, or whom the mother nominates as a suitable person to take her child out must be cleared by the Governor/Director as being fit to do so. This includes relatives.*
- 5.18 On admission to a MBU, the mother is asked to nominate two individuals who she wishes to take care of her child should she be unable to do so, for any reason, or who she would like to take her child out for visits in the community. The mother records the names and addresses of her nominees on the appropriate application form. These names are then recorded on P-Nomis and her application form is forwarded to either the prison based Offender Management Team or prison social worker (if one is available) to contact the relevant Adult/Children's Services area to carry out the necessary checks to assess their suitability. When clearance has been received, the nominated persons will be allowed to take the child outside the prison for visits determined and agreed between the mother, nominee and the prison. If clearance is not granted to any of the nominated individuals, the mother should be advised and asked to nominate an alternative.
- 5.19 *Any concerns about the child or the nominee carer on leaving or returning to the prison must be recorded on P-Nomis, the baby's record and the health card record if applicable. Where there are safeguarding /child protection concerns these must be shared with the relevant children's services.*
- 5.20 If the baby has been used to smuggle contraband into the prison, the Governor/Director may wish to review external visiting arrangements for the child.

Children have access to services, facilities and support, similar to those in the community, and which assist their development needs

- 5.21 *Governors/Directors must ensure that there is a crèche or nursery facility organised and run by qualified Nursery Nurses/early years childcare workers.*
- 5.22 *Nursery staff must keep individual records of each child's progress*
- 5.23 *In recognition of the restrictions of living on a unit, the Governor/Director must seek ways to provide the babies with a variety of different experiences.
These should include contact with other family members and the outside world.*

All decisions and actions recognise that the best interests of the child are a primary factor for consideration

- 5.24 The Common Assessment Framework will set out how the best interests of the child will be maintained and promoted during his/her stay with the mother in prison.
- 5.25 *Governors/Directors must ensure that a Child Care Plan ([Annex D](#)) is completed for every child who is resident on the MBU. The Plan will include consideration of separation from the mother, as part of the child's planned development. The Plan must be drawn up as soon as possible, but at the latest within four weeks of admission. The mother will participate fully in this process, along with the relevant professionals.*
- 5.26 *Reviews of the placement must be held regularly. The frequency of reviews will be determined by each individual case but must be at least every eight weeks. They may be held more often than this for women serving shorter sentences or if there are particular identified problems. The review team should include the mother, the Unit Manager, health care staff, and other relevant staff such as Nursery key workers or health visitors. Each review will consider the place on a MBU, the CAF, the separation plan, an ongoing assessment of the child's development and his/her response to the Unit/Prison environment and any other relevant issues. The local Children's Services should be involved in the review process as much as possible, as they are part of the continuous assessment and are the focal point of ongoing monitoring. Any concerns should be raised and resolved at these meetings to preclude later problems.*

Decisions taken about the welfare of the child are defensible and based on evidence

- 5.27 Clear and accurate record keeping is essential and, in contentious cases, provides the only contemporary evidence of the action taken. The records also demonstrate the routine hard work that has been carried out by MBU staff which might otherwise be difficult to prove to those outside the Unit. Record keeping is a high priority.
- 5.28 *P-Nomis case history sheets must be completed with any significant events. All entries must identify the name of the person making the entry.*
- 5.29 *A record of visits and letters must be kept. In particular, a record of the woman's temporary release and the dates her child is handed out; for what purposes and to whom, is essential.*
- 5.30 *Other records concerning work, education, offender management and Local Authority Adult and Children's Services contact must also be kept by the appropriate personnel.*
- 5.31 *Health records must be maintained for each mother and baby by Health Care staff.*
- 5.32 *Nursery staff must keep individual records detailing each child's progress.*

- 5.33 *If Child Protection issues are raised, a separate monitoring log must be maintained and concerns referred to the designated Child Protection Officer in the prison.*
- 5.34 *Minutes must be kept of reviews for each mother and baby.*
- 5.35 *In any case where admission to a MBU is refused and an appeal or legal action is expected, the Unit Manager or Deputy must send copies of the Admission Board papers to the Head of Women's Team. .*
- 5.36 *In any case where separation of mother and child becomes contested, which may or may not involve legal intervention, the Unit Manager must inform the Head of the Women's Team promptly and forward copies of the relevant documents.*

6. OUTPUT - SEPARATION

There is a separation plan that is agreed, documented and communicated to relevant stakeholders.

- 6.1 *A Separation Plan, which is a condition of admission to a MBU, must be agreed for each mother and child when they arrive on the Unit with the multi disciplinary team. A clear written record of the Plan must be held on file to be accessible in case of emergency. The mother must be involved in this process. Separations should be planned to take place prior to the child reaching the age of 18 months. There should be some flexibility in this policy where the exceptional circumstances of a particular case mean that the interests of the mother and child coincide and outweigh any other consideration which would otherwise point to separation.*
- 6.2 *Where a Separation Board proposes that the child should remain on the MBU beyond the 18 month age limit, the case must be referred to the Head of the Women's Team for a final decision. Such a referral should not be made any earlier than the child reaching 6 months or any later than the child reaching 15 months, except for when the exceptional circumstances of the case mean that this is not possible.*
- 6.3 *The mother must nominate two appropriate and responsible people to care for her child in case separation is required for any reason. If the first choice is unwilling, unable or unsuitable to care for her child the second carer should be contacted. The nominated person must be checked for suitability and preparedness to undertake the care of the child with the appropriate Local Authority Adult/Children's Services and a report must be sent to the prison in writing to confirm the outcome.*
- 6.4 *Under no circumstances must a child be given into the care of a person who is considered unsuitable by Local Authority Adult/ Children's Services or who has committed offences of violence or sexual offences against children. All nominated persons, including family members must be checked. If the prison has no evidence, then the judgement of Local Authority Adult/Children's Services should be relied upon.*
- 6.5 Any failure by Local Authority Children's Services to respond to letters should be referred to the Director of Children's Services.
- 6.6 If there are no suitable carers, a child who is separated will be cared for by Local Authority Children's Services.
- 6.7 *If a woman's domestic circumstances change, the Separation Plan must be revisited and amended as necessary. Where Children's Services are involved and they consider it appropriate, an in-depth core assessment of a child may be conducted. This follows the Governments guidelines – Framework for the Assessment of Children and their Families. It will be led by Children's Services and involve all the relevant agencies and the child's parents and relevant family members. Children's Services are responsible for informing those who have Parental Responsibility, including those who may be in custody. Prison staff should contribute information to this process and can attend meetings as necessary, but they must not lead the assessment.*

Decisions taken about the separation process, including emergency separations are defensible, based on evidence and are properly recorded, administered and communicated to relevant stakeholders.

- 6.8 A child should leave a Unit when it is considered to be in his/her best interests or the mother has lost her place on the unit. This may mean that the child will leave the unit at an

earlier, rather than a later stage, so that he or she is not adversely affected by the prison setting. Ideally the process of separation should be voluntary, gradually staged wherever possible and conducted over a set period of time, known and clearly understood by all parties involved.

- 6.9 The desirable scenario is that the mother and child are admitted to a MBU and both leave the Unit together when the mother is released from prison, the child having developed at the same rate as a child living in the community. However this may not always be possible due to the length of the mother's sentence and the MBU age limit of 18 months.
- 6.10 *Where separation is considered to be inevitable the position on it must be considered as part of the eight week review process.*
- 6.11 *The Head of Women's Team must be informed of any contentious separation as soon as it becomes apparent. A contentious separation is one where the mother disputes the intention to separate her from her child and challenges the proposal. This may or may not involve legal action. When the Separation Board recommends that a separation takes place after the child reaches 18 months of age, the case must be referred to the Head of Women's Team for a final decision.*
- 6.12 *Separation Boards must be convened to consider the proposed separation plan and must always be chaired by an Independent Chair with such members as required co-opted to the Board.*
- 6.13 *The proceedings of the Board must be fully and accurately minuted.*
- 6.14 Membership of the Board should as a minimum be;
- Independent Chair
 - Responsible Governor/Director or MBU Manager
 - Children's Services representative and/or Community Offender Manager
- 6.15 *The applicant can be accompanied by a friend or Personal Officer to act in a supportive role and this must be offered to the applicant prior to the Board (subject to security checks and the agreement of the Independent Chair).*
- 6.16 *If any matters need to be discussed in the absence of the mother a record must be made of the reason for absence.*
- 6.17 *The Chair will make the purpose of the Board clear and ensure that each member present understands their role, and, in particular, the Social Worker must be made aware that he/she is present to represent the child and his/her best interests. This should be recorded in detail at the beginning of the record of the meeting.*
- 6.18 *The Independent Separation Board must consider what is in the child's best interests.*
- 6.19 The Agenda should cover:
- Case history of the mother prior to present sentence
 - Reasons why separation is being considered
 - What is in the best interests of the child, and what are the likely effects of separation from the mother on the child
 - What are the alternatives for the care of the child if separated from the mother?
 - What, on balance, the Board is recommending as a decision. *If there is a divergence of opinion then this must be accurately and fully recorded, stating who*

has supported exclusion and who has not and the reasons given for the individual's opinion in each case

- Any issues of race and culture need to be addressed.
- 6.20 *All statements must be supported by facts, and where applicable, by reliable witness statements.*
- 6.21 *The mother must be invited to state her position and this must be fully documented in the minutes of the Separation Board.*
- 6.22 *If the conclusion of the case is to proceed with separation and this is being, or is likely to be contested, or is controversial for any other reason, the dossier must be sent to the Head of Women's Team for a final decision.*
- 6.23 *In addition, if the Separation Board propose that the separation should take place after the child reaches the age of 18 months, it too must be referred to the Head of Women's Team for a final decision. Such a referral should not be made any earlier than the child reaching 6 months or any later than the child reaching 15 months, except for when the exceptional circumstances of the case mean that this is not possible.*
- 6.24 *In cases referred to the Head of Women's Team, the mother will be informed of the decision in writing locally.*
- 6.25 *Once the final decision has been made to separate a mother and child, the separation must be carried out without unnecessary delay.*
- 6.26 *Governors/Directors must ensure that procedures are in place to provide support to a mother who has been separated from her child. This should include the Community Offender Manager so that support can be offered to enable ongoing resettlement and rehabilitation*
- 6.27 *Governors/Directors must ensure procedures are in place to provide support to staff directly involved in the separation process as it can be both stressful and distressing.*

Foreign National Women

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

Emergency Separations

- 6.29 *In separations, as in all other issues concerning mothers and babies, the best interests of the child must be considered. These may be outweighed exceptionally if the mother presents an unacceptable risk to other mothers and/or their children whilst living in the confines of a Prison MBU and her presence would be detrimental to the majority. This would need to be clearly evidenced and documented.*
- 6.30 *Examples of when emergency separation may be necessary are;*
- When the mother is ill and cannot look after her child

- When the child is ill and requires hospitalisation or other medical treatment in the community
 - When the child has a contagious disease and must leave the Unit for the health and well being of the other residents
 - When it is accepted by Children's Services that there is an identified, imminent and serious risk of harm to any baby in the MBU.
- 6.31 The purpose of an Independent Separation Board is to consider whether to remove a woman from a MBU bearing in mind:
- The best interests of the child of the woman subject to review and whether those are compatible with the mother's wishes
 - The best interests of the other mothers and babies on the Unit, if they are likely to be adversely affected by the continued presence of the mother on the Unit
 - What the effect will be on the mothers and children on the Unit if the status quo is maintained
- 6.32 *The mother must be invited to state her position and be given the opportunity to answer any allegations made against her. She must be allowed to state any reasons why she believes she should be permitted to stay on the Unit and she must be aware of the reasons why removal is being considered. This must be fully documented.*
- 6.33 *Where circumstances are so critical that separation must be carried out before a Separation Board can be convened, the Head of Women's Team and the Community Offender Manager from either the CRC or NPS must be informed. The separation will be treated as temporary. Further enquiries will be made and a Separation Board should be convened to review the case.*
- 6.34 If the separation is caused by a medical emergency, then it should be explained to the mother, and if possible, the child, regarding why separation is taking place. *Advice from medical staff and/or environmental health must be followed in every case. Both mother and child will need support from staff. If it is medically appropriate and beneficial to the child, and the child is located in hospital for the duration of the illness, then visits by the mother to the child must be facilitated.* The frequency and duration of these visits will depend on what is reasonable in the circumstances.
- 6.35 *If the mother is admitted to hospital, the Separation Plan agreed with the mother must be activated and the child handed out to the approved nominated carer for the duration of the illness. Children's Services will need to be involved if there is no suitable nominated carer.*
- 6.36 If the separation is caused by an imminent and serious risk of harm as identified by Children's Services, Children's Services advice and guidance on separation must be followed. *The MBU Manager must ensure that the Community Offender Manager is informed.*

7. SERVICE ELEMENT: Mother & Baby Units

Output 1 - Prisoners and staff are aware of policies relating to Mother & Baby Units including the application procedures for admission and appeals.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 2 - Decisions taken about the welfare of the mother and child are defensible, based on evidence and are properly recorded and administered.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 3 - The decisions of admissions boards are communicated to relevant stakeholders

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 4 - Arrangements are in place for the care of unsuccessful applicants to the unit and their children

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 5 - The Mother & Baby unit provides a safe, suitable and decent environment which meets the needs of those who live there.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 6 - Childcare arrangements are in place to allow mothers to fully participate in the prison regime and address offending behaviour.

Guidance on this output is contained within Ofsted Standards, [PSO 4800 Women Prisoners](#)

Output 7 – Decisions and actions recognise Mothers retain parental responsibility, to the extent that it is possible given her imprisonment, for their children.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 8 – Babies and children receive all appropriate care.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 9 - All decisions and actions recognise the best interests of the child are a primary factor for consideration.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 10 – Decisions taken about the welfare of the child are defensible and based on evidence.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 11 - The unit ethos and the environment in which it operates supports the development of the child.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 12 - Children have access to services, facilities and support, similar to those in the community and which assist their development needs.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 13 - There is a separation plan which is agreed, documented and communicated to relevant stakeholders.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

Output 14 - Decisions taken about the separation process, including emergency separations are defensible, based on evidence and are properly recorded, administered and communicated to relevant stakeholders.

Guidance on this output is contained within [PSO 4800 Women Prisoners](#)

MBU APPLICATION FORM**Name/Number of Applicant:****Date of Application:****Section 1: Child Details****Section 1a: For pregnant mothers applying for a place for their unborn child**

When is the baby due?

Who was your Doctor prior to custody?

Doctor's address

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

Child's date of birth

Sex

Religion

Birth weight

Surname

Forename(s)

Name of child's Doctor

Child's current address

Next of kin

Relationship

Address of next of kin

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

(ii) Now

Can this continue?

Does your child live with his/her father?

If not, does his/her father have contact?

Please specify the nature and frequency of this contact

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

Have any of your children ever been placed on the child protection register or

been subject to a child protection plan? (Please say why your child was placed on the register and the date that this happened)

Section 2: Mother's Personal Details

Surname Forenames
 Number Date of birth
 CRO Number Ethnic origin
 Religion
 Home address (prior to custody)

Release address (where different from above)

Home Area Children's Services
 Assigned Social Worker (if applicable)
 Home Area provider of Probation Services
 Assigned Community Offender Manager (if applicable)

Section 3: Offence Details

Prisoner Status	Remand	Unsentenced	Sentenced
Offence(s)			
Trial date		Sentence date	
ARD	PED	CRD	SED

Date of reception into (i) custody
 (ii) establishment

Previous establishments this sentence

1	2
3	4

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

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

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

Does his/her father support this application?

What alternative living arrangements have you made for your child?

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

Address

Telephone number

Other relevant information

Who will look after your baby in an emergency?

Address

Telephone number

Other relevant information

Section 5: Other Children

How many other children do you have?

What ages are they?

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

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

Establishment:

Date:

AGENDA

Present

Apologies

Prisoner's full name

Number

DOB

Sentence

Expected Release Date

ED/HDC (if applicable)

Home Address

Baby's name

DOB or EDD

Baby's home address

Who is currently looking after the baby/child; what is their relationship to mother/relationship to child

Was mother primary carer prior to custody? Yes/No

If not, why not?

Background Information (attach supporting documentation)

Written Reports (list here and attach)

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

Agency Reports (list and attach)

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

Assessment of the Best Interests of the Child

Risk Factors (list clearly below)

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

Decision and Recommendations

Provisional Action Plan

Signed
Board Chair

Date

JOB DESCRIPTION INDEPENDENT CHAIR

To work with the Governor of their prison and the National Co-ordinator for Mother and Baby Units.

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

MBU Chairs are paid on a sessional basis their line of support / contact is from the National Mother and Baby Coordinator.

**COMMUNITY OFFENDER MANAGER REPORT – MOTHER AND BABY UNIT
APPLICATION**

Name of applicant:	
Prison number:	
Sentence length:	
Offence:	
HDC eligibility:	
CRD:	

Details of current offence:

Pattern of offending behaviour:

Risk factors:

ANNEX E(1)

ANNEX C: LETTERS COMMUNICATING THE DECISION OF THE ADMISSION BOARD

Annex 1: "Yes" decision, Full Admission

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

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

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

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

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

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

Signed:

Governing Governor/Director (delete as applicable)

.....

APPLICATION FOR A PLACE ON A MBU

I....., the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor/Director (delete as applicable) ofPrison/YOI in respect of my application for a place on the MBU.

Signed:

Name of Applicant

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

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

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

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

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

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

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

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

Signed:

Governing Governor/Director (delete as applicable)

APPLICATION FOR A PLACE ON A MBU

I, the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor/Director (delete as applicable) of Prison/YOI in respect of my application for a place on the MBU.

Signed:

Name of Applicant

ANNEX E(3)

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

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

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

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

You will be present at the reconvened Admissions Board.

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

Signed:

Governing Governor/Director (delete as applicable)

APPLICATION FOR A PLACE ON A MBU

I....., the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor/Director (delete as applicable) ofPrison/YOI in respect of my application for a place on the MBU.

Signed:

Name of Applicant

ANNEX E(4)

Annex 4: Conditional Admission

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

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

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

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

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

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

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

Signed:

Governing Governor/Director (delete as applicable)

.....

APPLICATION FOR A PLACE ON A MBU

I, the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor/Director (delete as applicable) ofPrison/YOI in respect of my application for a place on the MBU.

Signed:

Name of Applicant

Annex 5: Emergency Board

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

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

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

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

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

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

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

Signed:

Governing Governor/Director (delete as applicable)

.....

APPLICATION FOR A PLACE ON A MBU

I....., the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor/Director (delete as applicable) ofPrison/YOI in respect of my application for a place on the MBU.

Signed:

Name of Applicant

Is there anything to confirm that the person still wants/needs the place for example if a baby were still born it would be distressing for the mother to move even temporarily to the MBU.

ANNEX E(6)

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

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

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

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

Signed:

Governing Governor/Director (delete as applicable)

.....

APPLICATION FOR A PLACE ON A MBU

I..... the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor/Director (delete as applicable) of Prison/YOI in respect of my application for a place on the MBU.

Signed:

Name of Applicant

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

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

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

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

Signed:

Governing Governor/Director (delete as applicable)

APPEAL AGAINST ‘NO’ DECISION:

To the Governor/Director (delete as applicable)

Prisoner’s Name

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

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

.....

APPLICATION FOR A PLACE ON A MBU

I....., the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor/Director (delete as applicable) ofPrison/YOI in respect of my application for a place on the MBU.

Signed:

Name of Applicant

Annex 8: Letter Accepting Appeal of “No” decision

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

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

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

Signed:

Head of Women’s Team

.....

APPLICATION FOR A PLACE ON A MBU

I, the undersigned, confirm that I have received the letter informing me of the decision of the Governing Governor/Director (delete as applicable) ofPrison/YOI in respect of my application for a place on the MBU.

Signed:

Name of Applicant

Annex 9: Letter Refusing Appeal of “No” Decision

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

(Factors will be listed below)

Signed:

Head of Women’s Team

.....
.....

APPLICATION FOR A PLACE ON A MBU

I, the undersigned, confirm that I have received the letter informing me of the decision of the Head of the Women’s Team in respect of my application for a place on a MBU.

Signed:

Name of Applicant

CHILD CARE PLAN

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

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

Status (Convicted/remand).....

Sentence (if convicted).....

Date of conviction/trial.....

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

1. List of child's identified needs

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

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

2. How are these needs to be met?

State first how the child's general needs might be met. Babies on MBUs will have a fundamental need to be with their mothers in an appropriate environment.

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

3. Aim and Timescale of Plan

Length of proposed placement.

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

4. Separation

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

If no alternative carer is available, then foster care must be arranged by the Local Authority Children's Services.

5. Other Services provided by the Local Authority

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

6. Other Services provided by the MBU

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

7. Arrangements for Contact

Contact by baby in MBU, with family in the community.

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

Contact by baby in the community, with mother in prison.

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

8. Contingency Plan if placement breaks down

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

9. Arrangements for Health Care

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

10. Nursery Provision

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

11. Implementing the Plan

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

RISK ASSESSMENT

A risk assessment of both the mother and baby must be undertaken when they enter a Mother & Baby Unit.

This risk assessment and its Safe System of Work (SSOW) should be carried out in consultation with the mother. *Similarly, the responsibility the mother has to the Governor/Director to ensure the health, safety & welfare of herself, her baby, the other mothers and babies on the unit, and staff and visitors to the MBU, must be stressed.*

Because of the increase in the baby's mobility, the risk assessment and SSOW should be reviewed on a monthly basis in consultation with the mother. Both parties should sign the review in the section on the risk assessment. Should there be any significant changes to the risk assessment/SSOW, a new risk assessment form should be completed.