POLICY PAPER 2

Mothers in prison and their children

Most women sent to prison have committed non-violent offences. Their sentences are short; the damage to their children is not. A sentence that ends with a lost home and a child in care punishes the child as well as the mother.

Dr Charlotte Ritchie October 2026 England and Wales Reading time 12 minutes

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Based on chapter 4 (“Parents in prison”) of *Child Protection – A Public Health Approach: Reducing the Numbers in Care* (2021), updated with 2024–26 figures and law.

In brief

- There are around 3,500 women in prison in England and Wales. Most of those sent to prison to serve a sentence (63%) have committed a non-violent offence, and almost half of sentenced receptions are for six months or less.
- More than half of women in prison have children under 18. An estimated 17,500 children were separated from their mother by imprisonment in 2020, yet no one routinely counts them.
- Almost three in five women leave prison without settled accommodation, and almost half are reconvicted within a year. A mother cannot get her children back from care if she has nowhere to live.
- Prison takes away the home, the income and, all too often, the children. Wealthy families keep children in their own home through nannies, home ownership and money. Poor families lose them to the care of the state.
- We propose six changes, starting with a presumption that mothers who have committed non-violent offences serve their sentences in the community.

63%
of women entering prison to serve a sentence committed a non-violent offence
MoJ, 2024

55%
of women in prison estimated to have children under 18
MoJ analysis, 2024

59%
of women left prison without settled accommodation, 2024–25
MoJ

46%
of women leaving prison are reconvicted within one year
HL written answer, 2026

1 Who are the women in prison?

In 1980 Chris Tchaikovsky, herself once in prison, set up the charity Women in Prison. Her view was clearly stated:

> "Taking the most hurt people out of society and punishing them in order to teach them how to live within society is, at best, futile. Whatever else a prisoner knows, she knows everything there is to know about punishment because that is exactly what she has grown up with. Whether it is childhood sexual abuse, indifference, neglect; punishment is most familiar to her."
>
> Chris Tchaikovsky, founder of Women in Prison

On 30 September 2025 there were 3,527 women in prison in England and Wales, more than twice as many as thirty years ago.[1] They make up only around 4% of the prison population, and the offences that bring them there

are mostly not violent ones. In 2024, 63% of women entering prison to serve a sentence had committed a non-violent offence, and more women were sent to prison for theft than for criminal damage and arson, drug offences, possession of weapons, robbery and sexual offences combined.[1] Almost half of the women sentenced to custody (48%) received six months or less.[1]

Many have themselves been in care. Around one in five women who entered prison in 2022–23 (19%) said they had been in local authority care.[1] Nearly two thirds of women serving less than twelve months (63%) said they needed help with past or ongoing trauma, including domestic violence. Almost three quarters (74%) report mental health problems, compared with just over half of men.[1]

Drugs and alcohol run through many of these lives. Two thirds of women in prison (67%) had used drugs in the month before custody, and almost half (49%) thought they needed help with a drug problem.[1] Many have committed their offences under the control of a partner, or to feed someone else's habit. Practitioners report that women may hide or underplay their drug use for fear of losing their children.

> These are, for the most part, women who have been hurt, not women who are a danger to the public.

2 What happens to their children

More than half of women in prison (55%) are estimated to have children under 18.[1] An estimated 17,500 children were separated from their mother by imprisonment in 2020.[1] Yet this information is still not routinely published. No one routinely records which prisoners are parents, where their children are living or which services they are getting.

Very few of these children are looked after by their fathers while their mothers are away. Some go to grandparents and other relatives, often with little or no support. Others go into care. For many children, their mother's sentence is the first time they have ever been separated from her for any length of time.

Keeping in touch is hard. Women are held, on average, 63 miles from home, and often much further, because there are so few women's prisons.[1] For a low-income family, a long journey with small children to a distant prison is expensive and exhausting. More than two thirds of women (69%) say that keeping in touch with their families helps them cope in prison, yet a 2025 review found family support in women's prisons much poorer than in men's.[1]

Babies are affected too. In 2024–25, 196 pregnant women were held in prison at some point, and 42 babies were born to women in prison.[1]

It is not good enough for a judge to pass sentence with no idea where the mother will be held, or how her impoverished family or children will be able to see her.

3 Losing the home

When a mother goes to prison, her benefits stop. Some help with rent can continue, but only for short periods. Universal Credit housing costs can be paid for up to six months for someone detained for six months or less, or on remand, who was getting help with housing costs before. Those on the older Housing Benefit can keep it for sentences of 13 weeks or less.[2] For anything longer, the rent goes unpaid and the tenancy is lost.

It is simple for the state to put the children into care and to let the council or private landlord evict the tenant for non-payment of rent. But this is what so often happens when simplistic legislation, which puts the welfare of the child as the paramount consideration, however well meaning, is followed. That home was the children's home, linked to their school and their friends. If the mother cannot be there, steps should be taken to keep the children in the home, if no relatives are available, and to keep the rent paid until her release.

Keeping children in their home is not rocket science. It is what the wealthy do all the time, through qualified nannies, home ownership and a sufficiency of funds.

4 On release

Almost three in five women (59%) left prison without settled accommodation in 2024–25.[1] Only 12% of women were in paid work six weeks after release.[1] And a claim for Universal Credit still cannot be made before release. The Government's own guidance, updated in June 2026, says plainly that "a claim to Universal Credit cannot be made in advance of a prisoner's release"; prison work coaches can help gather documents and book a jobcentre appointment, but the claim only starts once the woman is outside, and it will not be backdated.[3]

That seems crazy for anyone. It is far worse for a mother. She cannot hope to get her children back from care if she is housed in a single room or a temporary bed and breakfast with little or no income. It is just another slap in the face, and another invitation to reoffend.

Almost half of women leaving prison (46%) are reconvicted within a year, and of those who reoffend, nearly two thirds (64%) had been serving sentences of twelve months or less.[4] With their children in care, homeless, and with no one to love them but the bad company they now know, too many women go on in and out of prison, with more children appearing and then disappearing into the care of the state.

THE CYCLE

Non-violent offence, often linked to drugs, debt or a controlling partner → Short prison sentence, far from home → Home lost; children to relatives or into care → Release with no home and no income →

Children not returned; reoffending

And the cycle starts again, often with the next generation.

5 Community sentences work

Women released from prison are more likely to reoffend, and to reoffend sooner, than those serving community sentences.[1] Except where prison is needed to keep other people safe, there is no good reason to lock up these women. If they are imprisoned, the evidence suggests that family breakdown, reoffending and a lifetime in and out of prison, with children in care, will follow. If they are given community orders, especially with training, parenting support and, where appropriate, drug rehabilitation, many could go on to live fulfilling lives with their children.

Yet community sentences for women have halved since 2010.[1] A financial analysis of problem-solving courts for women, which combine regular reviews by a specially trained judge with support for the causes of offending, estimated that they cost over £2,000 less than a short prison sentence.[1]

The biggest single stumbling block is likely to be drug or alcohol use, and dependence on criminal men. Unless these are addressed, the cycle will continue. In the United States, drug courts have had some success in addressing addiction and reducing reoffending. Here, the answer may be not to copy but to build on that model: putting public health, women and families first, and dogma last.

6 What has changed since 2021

When the book was written, the Government had just announced 500 new prison places for women. In April 2024 that building work was paused, and the Ministry of Justice acknowledged that its strategy was geared towards fewer women being in prison.[1] Since then there have been real steps:

- **The Sentencing Act 2026** (Royal Assent 22 January 2026) creates a presumption that prison sentences of twelve months or less are suspended, unless there are exceptional circumstances. It also requires courts deciding whether to remand someone in custody to take into account whether she is pregnant, is the primary carer for another person, or has been a victim of domestic abuse.[5]
- **The Women's Justice Board**, set up to reduce the number of women in prison, published its recommendations in March 2026. They include a direction to sentencers not to imprison the primary carer of a child under two except in exceptional circumstances, and to promote community sentences for mothers of children under 18, supported by better pre-sentence reports.[6]

These are welcome. But a presumption against short sentences will not help a mother serving thirteen months for theft. Nothing yet keeps her home, protects her children's place in their school, or lets her claim the money she needs on the day she walks out.

7 Six proposals

1. **Community sentences for non-violent offences**

   Wherever remotely feasible, mothers convicted of non-violent offences should serve community sentences, with treatment for addiction and support away from former criminal associates or controlling partners.

2. **Children considered at sentencing**

   Before sentencing any parent, the court should know who the children are, where they will live, and how contact will be kept. Adopt the Women's Justice Board's recommendation not to imprison the primary carer of a child under two except in exceptional circumstances.

3. **Count the children**

   Record and publish, every year, how many prisoners are parents and how many children are separated from a parent by imprisonment.

4. **Keep the home**

   Where a mother is imprisoned and no relative can step in, keep the children in their own home with support, and keep the rent or mortgage paid until her release, regardless of sentence length.

5. **Money on the day of release**

   Allow a Universal Credit claim to be made before release, so that payment starts the day a woman walks out of prison.

6. **A family home on release**

   Before release, arrange accommodation and a benefits package suitable for a family, so that a mother can be reunited with her children rather than starting again in a single room.

> Keeping children in their home is what the wealthy do all the time. It should be what the state does for the children of women in prison.

Questions for discussion

Q1 Should a mother's responsibility for her children be a factor in sentencing, and how should that be balanced against the seriousness of the offence?

Q2 What would it take to keep a child in their own home while their only parent is in prison?

Q3 How can public policy ensure that fathers take financial and emotional responsibility for their children when the mother is imprisoned?

Q4 What would a problem-solving court for women look like in your area?

Sources

1. Prison Reform Trust (2026) *Bromley Briefings Prison Factfile: February 2026*, "Women in prison", pp.52–55, compiling Ministry of Justice *Offender management statistics*, *Criminal justice statistics*, HM Inspectorate of Prisons surveys and written parliamentary answers. England and Wales.
2. UK Government (2026) *Supporting prison leavers: a guide to Universal Credit*, updated 10 June 2026; GOV.UK, *Benefits and prison*.
3. UK Government (2026) *Supporting prison leavers: a guide to Universal Credit*, updated 10 June 2026.
4. House of Lords written answer HL13460, 19 January 2026, as reported in Prison Reform Trust (2026).
5. Sentencing Act 2026 (c. 2), section 1 (new sections of the Sentencing Code) and amendments to Schedule 1 to the Bail Act 1976.
6. Women's Justice Board (2026) *Recommendations for reducing women's imprisonment*. Ministry of Justice, 16 March 2026, recommendation 12.

Photo

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