 

Specialist Family Law and Prison Law advice and advocacy service for mothers in prison

Evaluation Report for Sir Halley Stewart Trust on the implementation and effectiveness of a pilot project to meet the needs of those at risk of losing their children to adoption or other Family Law interventions.



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# Glossary

**PAS – Prisoners’ Advice Service**

**ROW – Rights of Women**

**WPC – Women Prisoners’ Caseworker**

**FLC – Family Law Clinic**

**LU – Lancaster University**

**FEW – Family Engagement Worker**

# Introduction

This report is based on an evaluation of a pilot Family Law and Prison Law advice and advocacy service offered to imprisoned mothers in four prisons in England by the Prisoners’ Advice Service (PAS) between January 2017 and October 2019. The project was developed to address the unmet need for legal advice and advocacy for imprisoned mothers who need support to deal with family law issues such as the risk of losing children to adoption, child care arrangements, and contact. This report summarises our evaluation of that service over a 10-month period and makes recommendations that could help to improve service delivery from the lessons learnt during service implementation and delivery.

## Project Background

In November 2016, PAS, Rights of Women (ROW) and The Centre for Child and Family Justice Research at Lancaster University (LU) were awarded a grant of £41,796, payable over three years, from Sir Halley Stewart Trust, and a grant from Wates Foundation of £17,000, payable over two years. These monies were awarded to fund a specialist Family Law and Prison Law advice and advocacy service for mothers in prison, delivered by PAS. Although PAS operates Prison Law Clinics in several prisons, it had not previously offered any Family Law advice.

Each organisation had a different role in the project. ROW, a specialist legal advice service for women, was responsible for training two PAS Caseworkers in Family Law and providing ongoing support to them over the three years. In addition, in association with PAS, ROW wrote and published four guides for women prisoners on different areas of Family Law. PAS was responsible for delivering the Family Law advice at regular clinics in four women’s prisons and providing the necessary follow up work for each mother they saw at the clinic. Staff affiliated with The Centre for Child and Family Justice Research at LU were responsible for delivering the evaluation of the project.

The proposal for the project set out the following objectives:

1. The pilot project will involve the diversification of PAS’ existing outreach service in women’s prisons. It will add a specialist Family Law advice component to existing clinics offering Prison Law advice in HMPs A, B, C and D. Before rolling the service out to the whole women’s estate, we will focus initially on these four prisons. Lessons learned will be of benefit to the wider prison estate. Subject to funding and the success of the pilot project, the intention is to roll it out more widely across the women’s estate.
2. The project will provide specialist Family Law advice to mothers, including: their right to be involved in decisions and proceedings about their children; exercising their parental responsibility; contact arrangements with their children; securing better long-term living arrangements for them.
3. The project will involve a visit to each prison once every 6 weeks; one-to-one legal advice to five to 10 prisoners per clinic will be given. Each clinic will last two hours; one PAS Caseworker, supported by one PAS Volunteer, will attend. These specialist advice clinics will provide women prisoners with increased knowledge and understanding of their Family Law rights and equip them with the tools necessary to exercise those rights.
4. ROW will train and support two PAS Caseworkers in key aspects of Family Law, particularly in relation to adoption, care proceedings and child arrangements. This will enable PAS’ Caseworkers to advise prisoners competently and confidently on those issues during the clinics.
5. Throughout the project, ROW will be available for PAS to consult with on complicated Family Law issues. ROW will provide ongoing support and training updates to PAS Caseworkers during the project – in order for PAS’ to remain abreast of any changes in the law.
6. ROW will write four updated guides for imprisoned mothers: When Families Cannot Agree; Parental Responsibility; Adoption for Women Prisoners; When Social Services are Involved.
7. The desired outcome of the project is that, despite their imprisonment, mothers will be able to engage actively in Family Law proceedings involving their children. This will enable them to maintain as active a role as possible in their children’s lives or to assert their rights in respect of them. In this way, we hope to reduce the separation of children permanently or temporarily from their birth families. Further help will be provided to some prisoners after the clinics by follow-up telephone or written advice, referral to specialist Family Law solicitors for representation in proceedings, or the provision of the Family Law Guides.’[[1]](#footnote-1)

The evaluation part of this project, led by Dr Sarah Kingston and Dr Shona Minson from The Law School, Lancaster University, began in February 2018 and finished in November 2018, the end of year two of the three-year project. This evaluation report is therefore based on data collected during the 10-month data collection period. In year one, PAS Caseworkers were trained by ROW staff to deliver the pilot service. In year two, PAS began delivering dedicated Family Law Clinics (FLCs) in the women’s estate. The Family Law Guides, which are designed to provide useful information to imprisoned mothers on their Family Law rights were also developed in years one and two of the project. Year three involved the continuation of the pilot Family Law and Prison Law advice and advocacy service, delivered by PAS, the publication and distribution of the Family Law Guides and the analysis and writing up of the evaluation report. As a result, this report will deal primarily with years one and two of the project and will take as its focus data from that period. Year three data are not examined. However, it is possible to state that, over the entire three years, 27 dedicated Family Law advice and advocacy clinics have been held across four women’s prisons in England. Some Family Law advice is also increasingly dispensed at regular Prison Law Clinics in the women’s estate.

# Key Findings

1. Women in prison often suffer a misconception that they are not entitled to maintain a relationship with their children because they are in prison.
2. The PAS Family Law Clinics (FLCs) were the only service which offered women in prison free legal advice on Family Law issues at the time of its establishment. Law firm Camilla Baldwin has since begun delivering this service in one prison.
3. There is a high demand for the service and the current level of operation does not meet the demand.
4. Users have found the service helpful and informative. Their only criticisms were that the service was not well advertised and is not available more frequently.
5. Prison staff working with women have found the service has reduced the number of issues that they must deal with and lessened the distress levels of women in prison who are mothers.
6. The highest number of queries to the service concern mothers’ lack of contact with their children.
7. Women in prison are routinely unable to attend court hearings about their children because the court does not issue a production order. PAS’ Women Prisoners’ Caseworker (WPC) has been able to ensure that production orders are made by family courts and women in prison have consequently been able to attend court hearings.
8. The four Family Law Guides are ‘straightforward, direct and empathetic’ in tone and will be an extremely useful resource to both women and staff in prisons.
9. The training offered by ROW has been ample, however the WPC would benefit from time spent shadowing a lawyer in the family courts in order to better understand how the family courts deal with issues in practice.
10. There is no clear pathway to setting up a FLC in a prison, and it is a time consuming and complex process with no guarantee that clinics will be approved. Indeed, in one of the prisons initially identified to take part in the project, HMP D, permission to run a clinic was refused (see Clinic Set Up section below, page 19) and an alternative prison, HMP E, approached instead.
11. Gatekeepers in prisons both enable permission to be granted for clinics and facilitate the logistical arrangements for running each clinic.
12. FLCs operate best with an appointments system where each client is offered a 30-minute appointment in a private setting.
13. If the person delivering the clinic is a key holder, less of a burden is placed on prison staff, who are then more likely to facilitate the delivery of FLCs.
14. The security restrictions of a prison may impact upon the attendance of women at clinic appointments. This may either result in a failure to attend due to security issues causing a lockdown in the prison or the need for all women to arrive and leave together, which requires the provision of a waiting space and may impact upon the privacy offered to each woman.
15. The clinics have not taken place at consistent intervals. Prison staff and service-users would prefer a more consistent delivery of clinics.
16. The main barrier to service delivery after a prison has approved the service is the availability of a PAS Caseworker to deliver the clinics.
17. Although the time taken to send follow up letters from the clinics has improved significantly it is important to note the time sensitivity of advice.
18. Involving women in the future design of the service including the best locations for advertising it will lead to a more effective service.
19. The service is meeting its desired outcome, that,

‘despite their imprisonment, mothers will be able to engage actively in Family Law proceedings involving their children. This will enable them to maintain as active a role as possible in their children’s lives or to assert their rights in respect of them. In this way, we hope to reduce the separation of children permanently or temporarily from their birth families.’

1. The barriers in establishing and operating the FLCs impacted on the evaluation research. We were unable to interview as many mothers as we had intended, nor did we receive the target number of completed questionnaires.

# The Methodology and Design of the Evaluation

Researchers linked to the Centre for Child and Family Justice Research at LU were commissioned to undertake an evaluation of the pilot. This evaluation was driven by key research questions:

1. What are imprisoned mothers’, PAS staff’s, ROW’s and prison staffs’ views on the pilot Family Law advice and advocacy service?
2. Does the pilot Family Law advice and advocacy service meet imprisoned mothers’ needs and expectations?
3. How and in what ways can clinics be improved to meet the needs of imprisoned mothers?

In order to respond to these questions, questionnaires, focus groups and interviews were conducted with, imprisoned women, PAS, ROW staff and prison staff. Analysis of PAS case notes for each mother who attended clinics were also analysed. Prior to data collection, questionnaires and interview questions were piloted and refined in 2017. Feedback was gained from PAS staff and LU Law School staff. Participants were invited to participate in several ways.

## Services-users within prison

Clinic service-users in prison were encouraged to take part in the evaluation through a questionnaire and interview. In September 2018 letters were sent to all the women who’d attended FLC attaching a consent form, information about the project evaluation and a brief questionnaire about the service. A stamped addressed envelope was included. Completed questionnaires were then scanned by PAS staff and uploaded onto LU’s secure server. Questionnaires were designed to ask specific questions about the pilot Family and Prison Law advice and advocacy service. The use of closed questions allowed us to gain information about their views and experiences that could be compared to other women who accessed the service. Open questions provided women with space to explain their experiences and needs in more depth. The use of questionnaires enabled us to gain access to women who attended clinics when the research team were not available to attend clinics, or where space and capacity prevented us from interviewing women.

Each questionnaire was also accompanied by an interview consent slip to encourage women to take part in a semi-structured interview. Completed interview forms were uploaded by PAS staff onto LU’s server. Due to this legal advice service being offered in a prison setting there were additional concerns around ensuring that participants provided their consent freely. Service-users were asked for consent at every stage of their involvement and it was emphasised that taking part in the evaluation was separate to accessing the clinic. Interview consent forms included three options for participation: face-to-face interview; telephone interview; or paper-based interview.

Five women completed and returned the consent documents and the questionnaires. Three of the women indicated that they consented to taking part in an interview with a member of the research team and they indicated their preference for a telephone or in person interview. One of these women had attended a FLC for a non-Family Law matter and therefore she wasn’t interviewed for the evaluation. The other two women were interviewed by members of the research team. These interviews were not recorded.

 The use of semi-structured interviews allowed for structured discussion around the project’s research questions. Interview questions for imprisoned mothers included a series of open and closed questions that focused on issues they had identified in their completed questionnaires, so that we gained a fuller understanding of the issues they raised. It also allowed the researchers the flexibility to follow up and discuss important issues that emerged within individual interviews or in response to issues identified in completed questionnaires.

Women in two prisons were recruited to take part in focus groups to develop the four Family Law advice guides which were produced by ROW as part of this project. In the first prison the group consisted of six women studying for a qualification in peer support and mentoring. The research team met with them on one occasion in the presence of their course tutor. In the second prison three focus groups were held. Many women were invited to the first session, 12 attended and after meeting the researchers and hearing about the project they decided whether to continue their participation or not. 10 women took part in the first group. Four of those women attended the second group and three of the women attended the final focus group meeting. The focus group meeting at the first prison was recorded and transcribed, but permission was not given at the second prison to use a recording device and therefore the focus groups at that location were not recorded.

## Staff within prisons

In each prison the clinic set up was facilitated by staff who either worked for the prison or for a contracted service provider. Their facilitation included booking rooms, arranging appointments, and escorting PAS staff to and from the clinics. In addition, staff at two prisons arranged for women to take part in the focus groups which developed the advice guides. Staff members who facilitated the clinics were invited to take part in an interview with a member of the research team either face to face or by telephone. Two staff members agreed to participate in telephone interviews.

All interviews were audio recorded and transcribed verbatim by LU staff. Audio recordings and interview transcripts were stored securely on LU servers and encrypted. The interview schedule was intentionally kept broad so that the diversity of participants’ experiences could be captured through their own words.

## Prisoners’ Advice Service staff

The joint Director and WPC were interviewed face to face by a member of the research team in March 2018. The joint Director subsequently left the service and therefore only the WPC was interviewed again in September 2018 and June 2019. In December 2018 the WPC took part in a telephone interview. Interviewing the WPC multiple times allowed us to determine whether any important changes had taken place over the course of the pilot and to note her reflections on its development.

## Analysis

The interview transcripts, questionnaires, service-user casefiles and interview notes were reviewed by the researchers independently, with each drawing out key themes that emerged. Analysis was then undertake using NVivo. The overarching themes identified by the researchers, and the project’s research questions, were used to inform the initial coding of the data. As the coding progressed, additional themes (nodes) were identified. Coding queries were run to explore associations between the themes identified. The focus group discussions were used to inform the development of the Family Law Guides.

## Ethical Approval and Access

Researchers from LU who were commissioned to complete an evaluation of the project submitted an Ethics Application to the Faculty of Arts and Social Sciences and Management School Research Ethics Committee of LU in August 2017. Ethics approval was granted in December 2017. An application was made to the National Offender Management Service, to undertake evaluation research within the prisons in which the clinics were operating and approval was granted on the 16th October 2017. In addition, ROW and PAS have policies relating to the protection of vulnerable adults which will be followed closely. The PAS and ROW Caseworkers were qualified solicitors or barristers who have to abide by rules set by their own regulatory bodies: The Solicitors Regulation Authority and the Bar Standards Board. PAS abides by a strict confidentiality policy whereby all information given by prisoners, and advice given to them, remains confidential.

# Findings

The following findings are based on key themes that emerged from interviews, questionnaires, case files and interview notes gained from our evaluation research over a 10-month period, in year two of the project. We will begin with an overview of our analysis of PAS case files to provide a summary of the number of clinics held and the types of enquires PAS responded to.

## Implementation (up to and including November 2018)

PAS held 14 specialist Family Law Clinics in three women’s prisons, HMP A, B, and E between October 2017 and November 2018. According to the records which have been analysed by the research team, 35 women were seen at these clinics by the WPC. Data from clinics due to take place in December 2018 and thereafter, have not been included in this report. In some instances, women were booked in for appointments but circumstances including prison lockdowns, prevented their attendance. Of the 35 women seen, 11 women raised Family Law matters at a PAS Prison Law clinic and nine women raised Family Law matters through letters or telephone calls to the PAS helpline. A further five raised Family Law matters but it is not clear from the records whether at a Prison Law Clinic or by telephone or letter. Three women attended the FLC and raised non-Family Law matters: they have not been included in the figures for analysis. Some cases involved multiple points of contact e.g. telephone call and clinic attendance, and four cases involved two separate Family Law issues. In total 52 Family Law cases were dealt with by PAS in the 10-month data collection period.

Table 1.1 shows the Family Law matters for which women sought advice:

1.1

|  |  |
| --- | --- |
| **Type of query** | **Number of cases**  |
| Adoption  | 6  |
| Contact with children when local authority involved  | 6  |
| Contact with children when private family proceedings  | 19  |
| Contact with children looked after under a Special Guardianship Order | 5  |
| Residence of children during/ after mother’s imprisonment when looked after by the Local Authority  | 2  |
| Residence of children during/ after mother’s imprisonment when with family members  | 3  |
| Residence of children during/ after mother’s imprisonment when looked after under a Special Guardianship Order | 4  |
| Seeing / staying with children during Release on Temporary Licence (ROTL) or on Home Detention Curfew (HDC) | 4  |
| Parental Responsibility  | 1 |
| Other (non-molestation order/ attendance at an inquest into death of a child/ housing/ divorce) | 6  |
| Non-Family Law matters raised at Family Law Clinics  | 3  |

In every case a follow up letter was sent to the client after attendance at the clinic, and in 17 cases additional work was undertaken by the WPC including making contact with local authorities, courts, family members and other prison staff, in order to move matters forward for the client. In addition to the 17 cases in which PAS undertook extra work as part of the follow up from the initial contact, the WPC took on the pro bono representation of five women.[[2]](#footnote-2)

## Oversight

A steering group made of up Professor Karen Broadhurst, the Chair of PAS and the Chair of ROW was identified as a means of project oversight in the bid application. The steering group was due to meet quarterly but despite requesting minutes of their meetings nothing was provided to the evaluation team and therefore we cannot comment on whether this oversight took place or not.

## Training and ongoing support

Four days of specialist Family Law training was provided by ROW to the joint Director of PAS and the WPC in 2017. The training covered private law family work (‘private’ indicates that the local authority does not have involvement in the matter) and public law family work (‘public’ indicates that the local authority is involved in the matter). This included training on parental responsibility, child arrangement orders for contact and residence, care and adoption proceedings. ROW offered ongoing support and the WPC delivering the clinics contacted the organisation for support on three or four occasions between October 2017 and October 2018.

PAS Caseworkers found the initial four training days offered by ROW very helpful. The WPC appreciated the ongoing support from ROW once the clinics began. The WPC identified feeling more confident in providing women with Family Law advice and acknowledged the benefit of learning first-hand rather than reading legal information:

… doing it in practise has made me feel a lot more confident … So obviously you can only take so much in just by reading a list than actually try to go and apply to real life situations … But they have been very good at providing an ongoing advice service. [Imprisoned women] have issues that arise that I am not quite sure about because they are … unique individual things that I know I can go and ask [ROW] and we discussed them. (PAS staff member, interview March 2018)

Additional training needs were identified by the WPC following their involvement in on-going court proceedings involving the women’s Family Law issues. Because of the private nature of family courts, the WPC suggested shadowing legal counsel on a case may help:

Some experience in the family courts would be really beneficial because courts operate very differently and because family courts sit in private, I can’t get in to see them. Maybe shadowing somebody doing a case would help. I can arrange through personal contacts, but I would need funding for travel and to buy out time. (PAS staff member, interview March 2018)

Going forward the WPC identified that ongoing support from ROW would be beneficial, as well as specialist training on changes in Family Law.

## Clinic set up

The original intention was that Family Law advice would be added to the Prison Law Clinics already established at HMPs A, B, C and D, with each clinic lasting two hours and operating every six weeks. It was estimated that 34 clinics would be held each year, and five to 10 women would be seen at each clinic.

PAS had assumed when writing the project proposal that they would add the Family Law service into their Prison Law service rather than set up entirely new clinics, but this was not possible because of the complexity of Family Law issues. PAS staff quickly realised that dealing with Family Law cases involved a greater amount of time and that it needed to be a separate clinic:

Our thinking was, we are already providing the Prison Law Clinic, so we can just tap in the Family Law one. But then what we found through the training and through the clinics is that the provision of advice is very different because Prison Law enquiries can actually be answered in five minutes. There are complex ones but as a general rule you can actually answer a prisoner enquiry within 15 minutes while the Family Law... the amount of background information that you have to obtain is so much more, you know, someone comes with a Prison Law question they can ask am I entitled to child care resettlement leave and you can answer yes or no depending on which sentence are they serving, while for Family Law, every situation will be completely different so you really need to have the whole picture and to get the picture you need to get a certain amount of information from a prisoner so that in itself is quite time consuming. So, on that basis they need at least half an hour, so we couldn’t really have a Family Law clinic merged with a Prison Law clinic, it just would not work, you have to set up separate clinics, so we have a Family [Law]clinic and a Prison [Law] clinic within the same prison. That’s just how it worked, it’s something that we discovered. (PAS staff member, interview March 2018)

The change in plan meant that PAS needed to ask each prison whether they would permit them to set up a Family Law Clinic within the prison. This process was lengthy and challenging because of the regulation of prisons and the ways different prisons can be run and managed differently:

Setting up clinics is always quite challenging. You know, I started from scratch and for four to five years it was really a struggle and the Ministry of Justice was very reluctant to help us get through the door, and then eventually we managed to get the prison X clinic going. That was the first one that we set up and that was in 2008. So that was a good four years before I started at PAS. It took a long time. Then slowly you develop a certain reputation so then the Governor sees the benefits of having the clinic, because obviously you avoid litigations... something more forward thinking about it than it used to be. So, we thought we already set up a number of prison clinics, it should be easy enough to just create... we thought it was pretty much a done deal. But actually, [WPC] will explain better, but there were some problems. (PAS staff member, interview March 2018)

After receiving some Family Law training the PAS staff realised it was impossible to implement the intended model of running the FLC as an addition to the Prison Law Clinics and therefore approached the four prisons identified for the pilot to ask if they would allow FLC. Their initial approach was to two prisons, A and B where they had pre-existing relationships. They hoped to have the first clinics running by summer 2017 and planned to roll out the clinics in two prisons before moving on to the third and fourth prisons. However due to several barriers the FLC in HMP A did not take place until October 2017, and only began in HMP B in July 2018. Clinics began in HMP C in August 2018 and as we will explore below the service was refused in HMP D (see Gatekeepers – Permission section below, p21). This led to the establishment of clinics in HMP E. A few factors contributed to the unanticipated delay in establishing the clinics and these are explored below.

## Gatekeepers – Permission

Each prison operates independently, and some are privately rather than publicly run. There is therefore no single management structure or clear pathway for gaining permission to set up a new service within a prison. What PAS discovered was that in one prison the Governor needed to approve the service whereas in another, Governor level approval was not necessary. PAS staff spent a great deal of time attempting to find out who to contact within each prison:

So, it is not clear at the moment with [prisons] whether I have to get it signed off by the Governor or certainly one of the Governors (Re prison X, PAS staff member, interview March 2018)

And they didn’t for some reason require it to go the Director (Re Prison Y, PAS staff member, interview March 2018)

The turnover in staff meant that the arrangements for a clinic might progress to a certain point, but the removal of a staff member would lead to either significant delay whilst the post remained unfilled, or the process had to begin again. In addition, long delays from prison staff responding to emails from PAS became very problematic:

… they put me in contact with the Head of Reducing Re-offending who tends to decide on activity-based issues. I had interest but then unfortunately the Head was then moved to [another prison], so I had to start again with a new person and I sent email after email after email and had no response and then on the day of our meeting with our Funders I had a response from them saying, "yep this sounds like a great idea how do you propose doing it?", and I said well I can either do it through the Centre or I can do legal visits or whatever you prefer, they said "yep that's fine go ahead", which was really frustrating because I’d been trying for months and months . (PAS staff member, interview March 2018)

In one of the prisons initially identified, HMP D, permission to run a clinic was refused, because the prison took the view that they already offered a similar service. The service already in operation was family legal advice offered to people whose cases qualified for Legal Aid. The prison did not differentiate between that service and the PAS clinic which would offer legal advice to all women on Family Law matters, including those who did not qualify for Legal Aid. As permission was refused, HMP E was approached instead.

In HMP B, despite initial positive responses, the project came to a standstill when the prison allocated a time for the Clinic that was impossible for the PAS staff to attend. In that instance the matter was escalated to Governor level by PAS senior staff, and the Governor who supported the idea of the FLC, re-allocated responsibility for it within the prison to a different member of staff at which point the problem of timing was resolved.

##  Gatekeepers – Facilitation

Once permission was given to hold the FLC, the WPC had to find someone within the prison who would facilitate the clinics. Facilitation would include booking a room, arranging appointments, and escorting the WPC within the prison. Once again there was no set pathway for identifying who this person should or could be. In some prisons it was the Family Engagement Worker (FEW), who might be an employee of the prison or an employee of an external organisation such as Prison Advice and Care Trust (PACT). In HMP E the clinics are facilitated by the Librarian. In HMP C an external organisation provides a ‘Women’s Hub’ and the clinic therefore is facilitated by the external organisation. Difficulties were experienced when a staff member who had agreed to act as facilitator moved from their post which led to significant delays in establishing clinics in HMP E:

… the FEW was going to be the one who facilitated it so she would arrange all the appointments and everything like that would be fine, so I sent some dates in January and February that I was free to be able to do it. I then got an email saying that the FEW isn’t there anymore. We have no idea why – it was very sudden. I now don't have anyone to facilitate this, so I was trying to find someone who can act as a facilitator. I did but then I haven't heard from her since and I emailed and emailed – think I have emailed five times since the beginning of the year and not had anything back. (PAS staff member, interview March 2018)

With [prison X], the family support worker has not been cooperative at all, we keep chasing her to set them up so I am going to email the governor today... (PAS Staff member, interview March 2018)

The restrictions on women’s movement around the prison also requires extra help to be given by the facilitator to PAS and this needs to be negotiated. In HMP C where the Clinic was taking place in a communal space, the women were only allowed to move around at set times which would mean several women arriving at once for their appointments. PAS staff wanted women to be collected by prison staff for their appointments individually but did not want to ask the organisation facilitating the clinic, ‘because they’re doing me a favour’. Although approval was given for the clinics prior to March 2018, due to logistical issues no clinics had been held in HMP C by November 2018.

## Location of the clinic within the prison

Each FLC needed a room for the WPC to meet with clients, and a space for clients to wait. Unlike the Prison Law Clinics which operate without appointments on a ‘first come, first served’ basis, and the consultation may take place in a communal space, it was decided that the FLC needed to operate with an appointment system and a room which gave clients privacy. This was due to the potentially more sensitive nature of their enquiries. This spatial need contributed to the difficulty in setting up clinics as finding and booking such spaces in prisons is difficult:

… what we do with the Prison Law Clinics is all the women who are going to come, come together and they sit in this waiting space and we have the radio on so that it offers a little bit of privacy, but it is still open. That is obviously going to be more of an issue with family issues, so trying to work out the actual practicalities of doing it might be more difficult. (PAS staff member, interview March 2018)

… there was a little hiccup because we don’t have enough rooms. [The WPC] having keys works well because l can leave her to get in or out. Now that it happens in legal visits it’s better because there is always a member of staff who will get the ladies. (FEW, interview December 2018)

Visitors to a prison are only able to go into certain areas and cannot have free movement, so security considerations for PAS staff are relevant. Ensuring that the right security clearance is established can also take time, and may be subject to delay due to system error as was the case at HMP C:

… he said, "yep that's fine go ahead", which was really frustrating because I’d been trying for months and months and I said, “okay, what more do you need from me?”. He said, "I just need to get you security cleared", and I said that I was security cleared. He said, "yes, but at [prison X] we have a Mother and Baby Unit (MBU) so you need enhanced clearing" and I said, “well, I think I have that as I am on the MBU at [prison X]”. He then … got somebody to check and came back to me saying, "I can't find you on the system can I have your National Insurance number please?" So I [said] “yes” and he said, "Ah yes you are cleared that's absolutely fine, somebody had put your name down as [incorrect name] and you are down as a Barrista rather that a Barrister" …which was why he couldn't find me. (PAS staff member, interview March 2018)

People who come in and out of prisons are sometimes allowed to ‘hold keys’ which means that they have security clearance to move around parts of the prison without a staff member accompanying them. The WPC is a keyholder in some, but not all, of the prisons where the FLC took place. It was much easier to arrange the clinics in the prisons where the WPC held keys, as less supervision by the prison staff is required:

HMP E was very simple… because we already had a presence there and relationship with librarians and they are very happy for it to happen there. I draw [hold] keys which makes it much easier. (PAS Staff member, interview September 2018)

If the person coming in wasn’t a key holder it would cause problems. In family clinic, if they couldn’t come by themselves, it’s ok if [name of WPC] is there because she holds keys, but I can’t sit there and supervise that. I leave the register that [the WPC] will pick it up from my desk …they would have to be key trained. (FEW interview, interview December 2018)

Our access to clinics was also impacted by these security issues. In prisons where PAS staff held keys it was much easier to enter the prison for research purposes.

## Clinic delivery

The first FLC was offered in HMP A on 26th October 2017. Since that date a further seven clinics took place there up until and including November 2018. In HMP B the first FLC was on the 20th August 2018, and subsequently two clinics have taken place. No clinics had been held In HMP C although it was hoped they would begin in 2019. The first FLC in HMP E was on the 24th July 2018 and two subsequent clinics have been held. In total between the start of the project and the end of November 2018 PAS have run 14 FLCs.

The original proposal for the pilot suggested that between five and 10 women would be seen at each clinic, which would last for 2 ½ hours. This was based on the assumption that each appointment would last for 15 minutes, based on the Prison Law Clinic model already established by PAS. As has already been mentioned above, it became clear to PAS staff after initial Family Law training, that they would need to give each Family Law client 30 minutes per appointment. This is because Family Law matters tend to be very complex and each situation is unique. By extending the appointment time the number of women seen at each clinic is limited to five as a general rule. Again, in contrast to the Prison Law model, and because women may not wish other people to know about their Family Law issues, women are given appointment times for reasons of privacy. Clinics are not overbooked, and so if a woman cannot attend the appointment, she has been given because of an unforeseen event e.g. a lockdown preventing movement within the prison, this will result in fewer than five women being seen on each occasion. In HMP A this occurred and only one woman attended a clinic on one occasion. In total 35 women were seen at FLC between October 2017 and November 2018.

### Accessibility / Advertising

As of November 2018, there had been no formal advertising of the service through channels such as ‘Inside Time’ newspaper, or prison radio. In each prison it has been dependent on the facilitators to let women know about the service. Sometimes this is direct in nature – the FEWs refer women – at other times it is indirect, as in HMP E, where the sign-up sheet for the clinics is available in the library area and any woman can self-refer, or HMP B, where posters advertise the service. In one prison there is an electronic information system ‘the Pod’ which allows women to request an appointment:

We’ve got an app on the pod that they can request, or their workers will tell them about it and then they will come and ask if they can be put on the next available clinic. (FEW, interview December 2018)

Information about the FLCs is not routinely provided to all women in any of the prisons. The service-users were clear that it would be helpful if the information about the service was communicated more effectively to all women:

I think it would be good if it could be mentioned at induction, because if you miss the poster or don’t get told about it you wouldn’t know. (Service user, interview December 2018)

Access to the service could be better. People could know more about it – I had to really try to find out for myself, and if you’re not able to it’s hard. (Service user, interview December 2018)

I only spotted the clinic because I went to the library. Non-library users would not have known. You should post leaflets under the doors on wings advertising future clinics and the dates (Service user, questionnaire September 2018)

I attend counselling sessions regarding adoption matters and was signed up to visit a PAS session. (Service user, questionnaire September 2018)

PAS Caseworkers were clear that once the service was properly established there should be better advertising, including new posters, information in the prison newspaper ‘Inside Time’ and participation in events such as are organised at HMP E:

… they do have a session every 3 months of all the external orgs within the prison and all staff attend, it would raise the profile for the service and then they’d know. (PAS staff member, interview September 2018)

### Frequency of clinics

The table below shows the provision of clinics in Years 1 and 2 of the pilot including the clinics due to take place in December 2018, data for which has not been included in this report.

**Table 1.2**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Month**  | **HMP A**  | **HMP B** | **HMP C** | **HMP E**  | **Total**  |
| 2017 October | 1 |  |  |  | 1 |
|  November  | 1 |  |  |  | 1 |
|  December |  |  |  |  | 0 |
| 2018 January | 1 |  |  |  | 1 |
|  February |  |  |  |  | 0 |
|  March | 1 |  |  |  | 1 |
|  April |  |  |  |  | 0 |
|  May | 1 |  |  |  | 1 |
|  June |  |  |  |  | 0 |
|  July  |  |  |  | 1 | 1 |
|  August | 1 | 1 |  | 1 | 3 |
|  September | 1 |  |  |  | 1 |
|  October |  | 1 |  | 1 | 2 |
|  November  | 1 | 1 |  |  | 2 |
|  December  | 1 | 1 |  | 1 | 3 |

It was intended that clinics would run every six weeks in each prison. In fact, the frequency has ranged from five weeks to 11 weeks in HMP A; three weeks to eight weeks in HMP B; and five weeks to nine weeks in HMP E. This is primarily due to the availability of the WPC to run clinics. The inconsistency of this has been problematic for the prison staff:

There wasn’t a system and we would wait until we were told they would come in and that doesn’t work for me, so I said I wanted the dates for the whole year and I could tell my ladies and Caseworkers and if PAS has had to change it they let me know. It works better once it’s set in the year. It’s been once a month and so it has consistency which is better. So, I’ve had it up until December. (FEW, interview December 2018)

Although two PAS Caseworkers were trained in Family Law by ROW, one of them subsequently left the organisation and therefore only one staff member, the WPC, is trained to deliver the clinics. Volunteers have not been utilised to do the Family Law work, as was envisaged in the original proposal. Since running the FLCs the WPC does not think that volunteers could be used in the clinics due to the complexity of the cases but would like to try to train one or two volunteers to a level whereby they could assist by writing the first drafts of the follow up letters (PAS caseworker, interview September 2018). The FLC delivery is only part of the WPC’s workload and there is no cover for that work if she is on leave or busy with other matters. Although the WPC is prioritising the FLCs and believes they account for 50% of her workload she feels that she is ‘working at capacity’ (PAS staff member, December 2018).

Although the clinic only runs for 2 ½ hours, the Caseworker must arrive in the prison at least 30 minutes prior to the start of the clinic in order to go through security, and leaving the prison takes around 15 minutes. The PAS office is in Clerkenwell, London, and travel to the closest prison in the pilot takes 1 ½ hours so the PAS Caseworker needs to allocate ‘at least 6 ½ hours’ (PAS staff member, September 2018). Running clinics further away from London has required a 10-hour working day, as seven hours of travel is involved. There have been clashes with the time when the prison has the capacity for a FLC to run and the time when the WPC is available. In one prison a weekend morning was suggested but that clashed directly with the Prison Law Clinic at the same prison, which the WPC was also involved with (PAS staff member, interview September 2018). The WPC felt that she prioritises FLCs, but also said that arranging them depended on ‘finding the time to be able to make [it]… (PAS staff member, interview March 2018). Later in the year, the WPC was attempting to fit in clinics at three prisons in December but commented that it could be difficult as apart from herself ‘there’s no cover for it at all.’ (PAS staff member, interview December 2018).

In the final year of the project it was hoped that the FLCs would operate in four prisons, and that the preferred frequency for service-users and prison staff is monthly rather than six-weekly. Service-users and prison staff would like more clinics so that more women have the opportunity to see a PAS Caseworker regarding their Family Law problem, and/ or women have more time with the Caseworker when needed:

[In answer to the question, could the advice you were given have been clearer?] if more time given to me… more advisers and more face to face visits as only once a month. (Service user, questionnaire September 2018)

if you had two members of PAS coming in on the same day or one A.M. [morning] and one P.M [afternoon] that would be better… We could do with double the appointments. (FEW, interview December 2018)

It is unknown whether the WPC will have the capacity to meet that level of service provision in the future. When asked about it she said that her aim was to run the clinics ‘every six to eight weeks depending on resources.’ (PAS staff member, interview September 2018). It is also unclear how the service can be delivered in prisons which are further away from London, although it might involve using someone locally to do the work: ‘We could expand to other prisons and use an agent locally to do the clinic and then follow up taken back by PAS.’ (PAS staff member, interview September 2018)

### Demand for the service

The FEWs in HMP A indicated that there is a very high demand for the service: ‘I don’t feel that there’s enough of it. The demand of the women that we have here … the population is too big and a lot of them want to see the free legal advice before going that step further’ (FEW, interview December 2018). The WPC said that it was difficult for her to assess the demand for the service but each clinic she runs is fully booked. She hasn’t been told about waiting lists but ‘when I email HMP B to ask about another, they have women already who are going to come to the next one. (PAS staff member, interview Sept 2018). The WPC suggested that in planning for future demands on the service it may be the case that each prison may have different levels of need depending on whether its population is settled or it is used as a remand prison, ‘at HMP A there is a high turnover of people so I think you would have more demand there.’ PAS staff member, interview September 2018).

Only five or six women are seen at each clinic as although the original intention was to give each woman a 15-minute appointment, it was recognised that this was unrealistic. Instead each woman is given a 30-minute appointment. When asked if 30 minutes are enough, the WPC said, ‘For some yes. For others, no.’ (PAS staff member, interview September 2018). Sometimes it is possible to give the woman a longer appointment, if [a prisoner] doesn’t turn up for example, but as the clinics are restricted by the times the prison has to keep to, this is not always possible. The WPC may try to see a woman who needs more time at the next clinic, but if that will be too long a wait, the matter is continued by telephone or letter (PAS staff member, interview September 2018).

The WPC was asked if it was possible for her to refer women who attend the FLC to other solicitors for advice and representation. Her answer was ‘No. Not at the moment… very little is able to be referred on’. This is because none of the work is eligible for Legal Aid funding and therefore no other lawyer would do it pro bono. Although a number of women had suffered domestic violence, which may entitle a prisoner to Legal Aid, it is necessary to prove the violence and because few of the women had reported it to the police they did not have the evidence necessary for civil Legal Aid funding. (PAS staff member, interview September 2018). The FLC are therefore the only place where many women can access any advice or information about maintaining relationships with their children.

###  Issues raised at Family Law Clinics

An analysis of PAS case files obtained during the 10-month data collection period revealed that there were a range of issues raised by mothers at clinics. These issues are listed on the table below:

**Table 1.3**

|  |  |
| --- | --- |
| **Type of query** | **Number of cases**  |
| Adoption  | 1  |
| Contact with children when local authority is involved  | 5  |
| Contact with children when private family proceedings  | 11  |
| Contact with children looked after under a Special Guardianship Order | 5  |
| Residence of children during/ after mother’s imprisonment when looked after by the Local Authority  | 2  |
| Residence of children during/ after mother’s imprisonment when with family members  | 2 |
| Residence of children during/ after mother’s imprisonment when looked after under a Special Guardianship Order | 3 |
| Seeing / staying with children during Release on Temporary Licence (ROTL) or on Home Detention Curfew (HDC) | 3  |
| Parental Responsibility  | 1 |
| Other (non-molestation order/ attendance at an inquest into death of a child/ housing/ divorce) | 1 |
| Non-Family Law matters  | 3 |

Although the intention of the pilot was to provide ‘legal advice and advocacy for imprisoned parents who are at risk of losing children to adoption’, it is apparent from Table 1.3 above that adoption cases, or cases in which the local authority are involved and may lead to adoption proceedings, make up less than a quarter of the queries which have been addressed through the Clinics. If one takes the larger number of Family Law queries which have been raised at Prison Law Clinics and through letters and telephone calls, the figure is still less than one quarter. The largest proportion of queries concern contact with children, when those children are being cared for in a private arrangement or by a member of their family.

Due to cuts to civil Legal Aid funding, Legal Aid is generally only available in Family Law matters to parents in cases in which the local authority is involved. This means that mothers who are involved in local authority led proceedings are more likely to have legal representation, as it will be covered by a Legal Aid certificate. They are therefore less likely to need the free Family Law advice offered by PAS to mothers who are trying to establish contact with children who are being cared for by a private individual. Without access to the advice from PAS they would not be entitled to any legal help at all:

… we found that there is more need, certainly at the moment, in relation to private arrangements (PAS staff member, interview March 2018)

There is currently no triage system in place, as women either self-refer or the prison staff who refer them have not been trained in Family Law work and so cannot undertake an assessment of relevance or urgency. This has the consequence that a few women come to clinics with issues which don’t come under the definition of ‘Family Law’ because they have adult children. The lack of triage means that timely referral of cases does not always take place. Women have attended a FLC with only days to go until court hearings, meaning that there is very little that can be done to help them. The Bar Pro Bono Unit, which provides free legal assistance from volunteer barristers, will only take on court representation if they receive the request three weeks before the hearing date and in other instances it is likely that crucial deadlines will be missed. The WPC gave the example of a woman who attended a clinic having received a letter informing her that her family were applying to adopt her child and a date was set by which she had to respond if she wanted to oppose their application. Her clinic appointment was only two days before that deadline and although she was advised on that day to write and ask for an extension of time:

… she might not be able to afford a first-class stamp. I’m going to start going to clinics with stamped envelopes so that I can help. If I’d seen her six weeks before when she got the letter, or she’d called, it would have been much better. (PAS staff member, interview September 2018).

The WPC felt that in the future it would improve the service if prison staff could be offered some basic training in Family Law issues so that they could assess the urgency of cases (PAS staff member, interview December 2018). FEWs indicated that they would be happy to undertake such training (FEW, interview December 2018). In the absence of training the WPC suggested that women booking into the clinics could fill in a basic questionnaire which would be sent to the WPC who could then assess for urgency and book clinics accordingly (PAS staff member, interview September 2018).

The WPC would like to extend the breadth of the clinics to ‘provide a more holistic service and to expand the service’ with divorce advice for women, as many women now come with queries about that. In addition, the WPC is aware that some specific targeting of the women on the Mother and Baby Units in prison would be an important place to offer legal advice. This is partly because women on the MBUs may have trouble accessing clinic appointments but also because women are entitled to legal representation at hearings about staying on the unit with their children, but they may not know that (PAS caseworker, interview March 2018).

### Follow up work

Each clinic appointment involved some form of follow up work which varied in workload depending on the complexity of the case. Following each appointment service-users were provided with a follow up letter which detailed the advice they had been given and what follow on work would be involved:

Pretty much everybody has follow-up work, even if not masses there is always some. Issues are very emotive, so people aren’t hearing everything you say when you’re talking, and you often need further information… I, pretty much with everyone, send an advice letter afterwards so there’s something in writing. (PAS staff member, interview September 2018)

With only a few exceptions the WPC sent a follow up letter to every client after their attendance at a FLC between October 2017 and November 2018. Each letter takes one to two hours to write and is usually at least 4 pages long (PAS staff member, interview September 2018). In 35% of cases during the relevant period, additional follow up work was undertaken, for example contacting other parties, the local authority, solicitors, and the court or prison staff. Even if no follow up work is undertaken a letter is sent setting out the matters discussed with the WPC and the advice given. Table 1. 4 shows the number of weeks taken to send follow up letters to clients during the 10-month period.

**Table 1.4**

|  |
| --- |
| **Type of query**  |
|  | **1** | **2** | **3** | **4** | **5** | **6** | **6+** |
| Adoption  | 3 | 1 |  |  |  |  | 2 |
| Contact with children when local authority involved  |  | 1 | 1 | 2 | 1 |  |  |
| Contact with children when private family proceedings  | 2 | 2 |  | 3 | 2 | 4 | 2 |
| Contact with children looked after under a Special Guardianship Order | 1 | 5 |  |  |  |  | 1 |
| Care proceedings  | 1 |  |  |  |  |  |  |
| Residence of children during/ after mother’s imprisonment when with family members |  | 1 |  |  |  | 1 |  |
| Residence of children during/ after mother’s imprisonment when looked after under a Special Guardianship Order  | 2 | 1 |  |  |  |  |  |
| Residence of children during/ after mother’s imprisonment when looked after by the Local Authority  | 1 |  |  |  |  |  |  |
| Residence during (ROTL)  |  |  |  |  |  |  |  |
| Parental Responsibility  |  | 1 |  |  |  |  |  |
| Other (non-molestation order/ attendance at an inquest into death of a child/ housing/ divorce) | 2 |  | 1 |  | 3 | 1 |  |

The length of time taken to send the follow up letters raises some questions about the timeliness of advice. This was also raised by a service user:

The talk with the Caseworker was helpful as I was offered for some concerns to be sorted on my behalf. However, the PAS response letter arrived AFTER some parts of the response had happened, leaving my anxiety risen. (Service user, questionnaire September 2018)

PAS do not have standard response times for letters after clinics, but the WPC said in interview that she was aiming to respond in around six weeks, however the response time could be affected by a number of factors:

Depends what‘s going on at the time. If I have parole hearings, then they take up a lot of time. Where local authority is involved it’s hard to get hold of social workers (PAS staff member, interview December 2018)

The follow up time was analysed, looking at it per month, by case type and by the amount of additional work which was done by the WPC to see if there was a correlation between any of the factors.

Of the cases in which the follow up time exceeded six weeks, only two of the six cases required any additional follow up work, and in one of those cases the follow up work was done at the same time as the follow up letter. Of the 17 cases in which the follow up letter was sent between four and six weeks after the appointment, 13 did not require any additional work, and of the four that did, in two instances the follow up work did not take place until respectively five and six weeks had passed.

An analysis of the follow up times by year shows that in 2017, 18% of follow up letters were sent within two weeks of the appointment and 63% of follow up letters were sent within six weeks of the appointment. In 2018, follow up letters were sent more promptly with 54% of letters sent within two weeks of the appointment and 92% within six weeks.

### User Experience

The service-users who provided feedback on the service were asked how they felt when they discovered they could get free Family Law advice. Most women had been dealing with their Family Law issues alone, or not at all, and were therefore ‘relieved’ and ‘delighted’ when they found out about the service:

Happy. Less anxious and nervous. [Before I knew about PAS I was] on my own and struggling. (Service user, questionnaire September 2018)

I was delighted as the previous advice I had was unclear and misleading and [before I knew about PAS] I was dealing with [my issues] alone. (Service user, questionnaire September 2018)

Relieved. I wanted to talk to a solicitor about family situation and rights for some time. [Before I knew about PAS] I wasn’t dealing with them. (Service user, questionnaire September 2018)

Even women who had legal representation found the clinic helpful as it provided them with reassurance during what were often stressful proceedings:

… was happy to get some advice prior to my final family court hearing which was six days after the clinic. I had not heard from my legal team so was stressed. (Service user, questionnaire September 2018)

Service-users were asked if accessing the clinic was helpful to them. The majority identified that the service had been useful and provided them with a better understanding of their rights under Family Law:

Yes, it’s been a bit helpful. I understand certain wording and advice on the case. All together where I stand and what’s my best option…she explained the next steps I should take. (Service user, questionnaire September 2018)

Yes, it’s been really helpful. I have a clear understanding now and I don’t feel misled… They explained what they could do. It was clear. The Caseworker was not judgemental and understood me – very supportive of my mental health issues and followed up everything she promised. (Service user, questionnaire September 2018)

Yes ... The talk with the Caseworker was helpful as I was offered for some concerns to be sorted on my behalf… yes, they did explain what they could do. It was clear… I was satisfied as it was explained clearly, and I accepted what was said. (Service user, questionnaire September 2018)

When I had an appointment, it was helpful because I had already had communication with the WPC. She explained my rights and gave me practical advice and told me what the steps forward would be. I felt like I was getting somewhere and wasn’t stuck anymore. Because of my financial situation and no Legal Aid, I hadn’t been able to do anything, so I was grateful for the Family Law advice. (Service user, interview December 2018)

In interview, FEWs were asked for their perspective on the impact of the advice offered in the FLCs on the women in their prisons. As above, FEWs also noted the positive impact of the service on imprisoned women:

… the ladies I see are in care proceedings, but I think the ones that see PAS it’s because they don’t trust their legal representatives. It’s just for confirmation that this is right. In a kind of way it puts their mind at rest … [ the service is] beneficial for them because it confirms the advice that their solicitor and I have given so it may not be what they want to hear but it’s what’s going to happen. (FEW, interview December 2018)

It’s a good service to have to offer to the women. When you mention it to them, they’re like, ‘yes please’. (FEW, interview December 2018)

It’s a really good service and if we didn’t have it we would be facing a lot more issues than we do. Like with finding a solicitor but having PAS there to say there is this solicitor - I think it’s fantastic.’ (FEW, interview December 2018)

## Women’s rights

The WPC found that women in prison are not always able to attend their Family Law hearings because the court does not realise that they must make a ‘Production Order’ for them to leave prison, or the prison will not arrange for them to attend or to be present via video link. In at least three cases the WPC worked hard to liaise with courts and prisons to ensure that a woman could take part in her own court hearing.

It has also become clear that many women, ‘think that they lose their parental responsibility just by virtue of being in prison’ (PAS Caseworker, interview September 2018). The correction of this misconception by the WPC is fundamental to women’s understanding that they can pursue a relationship with their children whilst in prison.

### Pro bono work

Since the inception of the pr, the WPC has taken on the pro bono representation of five women for Family Law matters. Although in Prison Law cases, PAS staff represent the clients fully, including at their hearings, this is not the case with Family Law work:

We haven't decided at this point to be representing the women in court. At the moment what I am doing with the pro bono cases is giving initial advice and doing the application forms for women. For one of the women I have actually done, because she has had her first hearing, I did a position statement for her, so she had that to provide to the Court and to the Respondent, but at the moment we are still trying to find our feet as to what our involvement is. (PAS staff member, interview March 2018)

The decision to offer pro bono representation has been made on an ad hoc basis when the WPC has the capacity to do the work, the case is going to be long running, and does not qualify for legal aid funding. If it is a more complex case, then the WPC will try to find representation for the woman from another law firm or the Bar Pro Bono Unit, although this is difficult as many do not offer pro bono work (PAS staff member, interview December 2018). On some occasions the WPC has offered to represent a client on a pro bono basis, but they have not taken her up on that offer. Of the five cases which have been taken on, two have been closed and three remained ongoing as of November 2018. The first case closed because the client was released from prison and the second because the client stopped responding to the WPC.

In the future, the WPC is, ‘willing to take on more complex cases because my skills have increased’, and the limiting issue is her capacity as ‘the workload won’t go down’ (PAS staff member, interview December 2018).

## Family Law Guides

In 2018, ROW developed four Family Law Guides for women in prison: When Families Cannot Agree; Parental Responsibility; Adoption for Women Prisoners; When Social Services are Involved. Imprisoned mothers in two prisons gave feedback on early drafts of the guides in focus groups. Twenty copies of these advice guides have been distributed to each of the 12 women’s prisons in England in 2019.

### Co-production

Staff from ROW wrote the first draft of the guides which were then were developed through piloting and co-production with women in prison. The guides were first piloted with staff at PAS, before the co-production process was undertaken with focus groups in two women’s prisons. A focus group in prison one considered the guides: ‘Parental Responsibility’ and ‘When Families Can’t Agree’. In prison two a focus group met on three occasions and considered the two leaflets mentioned above as well as the guide, When Social Services are Involved’. The fourth guide, ‘Adoption Proceedings’ was not piloted with women in prison as after discussion with prison staff and women in the pilot groups it was decided that it was inappropriate as the subject matter was likely to cause distress. A staff member from ROW attended the focus groups in prison, along with other members of the research team. At each focus group women discussed the drafts of the leaflets and suggested changes to content, presentation and tone. In total, four focus groups were held, and the input of the women enabled ROW to know how to best present information in the leaflets. They gained a deeper understanding of the emotional impact of Family Law issues on women, and the things which it would be most important for them to know. The women made it clear that the guides needed to provide information in a reassuring and clear tone. They suggested that it should read like a friend explaining the law to them. It became clear from the focus groups that many women did not know that their parental responsibility continued after a sentence of imprisonment and so that information was given prominence in the leaflets. The groups discussed whether it would be helpful or necessary to create an ‘easy read’ version of the leaflets and the conclusion was that just one version should be written but a glossary should be included to explain unfamiliar words and terms. The focus groups anticipated the questions that women in prison would come with and ROW were able to re-order the presentation of the information in the booklets so that the information women might want most urgently is at the front. The groups asked for information to be provided in bullet points and with highlighted boxes to make it more easily understood in ‘bitesize’ chunks. They asked for more examples to be given throughout the booklets so that women would see how the law might apply in their own situations. They reminded the ROW staff member and members of the research team that the guides might be the only information a woman would have, and they therefore needed to be comprehensive but also reassuring. Subsequent to each focus group the ROW staff member re-drafted the guides to incorporate the women’s amendments before bringing the next draft of the leaflet to the women for discussion. By the final group the women were satisfied with the tone, structure and content of the guides and believed they would provide invaluable information to women in prison. They summed up the style they wanted as ‘straightforward, direct and empathetic’ (Focus Group, June 18) Their lived experience gave them insights which contributed to much better leaflets being created. (Focus groups, April, May, June 2018)

### Distribution

As noted above, twenty copies of each of the four guides have been distributed to all 12 women’s prisons in England and Wales. It is intended that they will be distributed via libraries, FEWs and, ‘anybody who would potentially come across somebody who is requiring support in some sort of way’ (PAS staff member, interview March 2018). At the final focus group, the women suggested that they should be made available to all mothers at induction. In addition, the PDF files of the leaflets are available to download from the websites of PAS and ROW.

# Recommendations

The following have been identified by those delivering the project as matters for attention or action in the final year of the project:

1. Training for the WPC in the Family Law court process.
2. Training for prison staff in order to improve triage.
3. Improved advertising so that all the women who may benefit from the service are aware of its delivery.

Our recommendations for the future delivery of this service include:

1. Greater resources and funding are needed to meet the demands of the service.
2. The service should be rolled out across the prison estate.
3. Localised service is given by agents, so that PAS staff do not need to travel from London to deliver the service.
4. Advice guides are developed for and distributed to fathers in prison.



1. Taken from funding application made to Sir Halley Stewart Trust, August 2016. [↑](#footnote-ref-1)
2. Pro bono representation is legal work undertaken without a charge (for free). [↑](#footnote-ref-2)