



Spotlight

Pregnant women and mothers of infants under the age of two on probation supervision





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Introduction

Pregnant women and mothers of infants under the age of two in contact with the criminal justice system (CJS) are a small but highly marginalised group, facing complex and acute challenges.

Evidence shows the **first 1001 days** – from conception to a child's second birthday – is a critical period that lays the foundations for children's long-term physical and mental health and wellbeing. Yet the criminal justice system as a whole, and probation services in particular are ill-equipped to address the risks associated with this period, or to recognise and meet the needs of mothers and their children.

Over the past decade there has been a welcome focus on pregnant women and mothers of infants under the age of two in prisons, with growing consensus – captured in particular in the Women's Justice Board (WJB) report's recommendations – that the imprisonment of this cohort of women is unacceptable. The Sentencing Act (2026),¹ with its presumption against short custodial sentences and emphasis on community alternatives, deferral and suspension, means we should see fewer women in prison as a whole. This includes those women in the first 1001 days who are held on remand, as the Bail Act now directs sentencers to take account of pregnancy and caregiving when considering whether to grant bail. If, in addition, the Government accepts the WJB's call for legislation to prohibit the use of custody in pregnancy and clear guidance for sentencers on early motherhood, this group should be almost entirely removed from inside prison walls.

A focus on the experiences of pregnant women and mothers of infants while under probation supervision is long overdue, and now very urgent. This spotlight report outlines the policy context, evidence, and priorities in this critical area.

Background

In 2021 Birth Companions, in partnership with Clinks, published a landmark report on the needs of women and their babies who were on bail, serving community sentences or under probation supervision after release from prison. *A Window of Opportunity*² drew together research with women with lived experience, specialist midwives, and voluntary sector organisations. It highlighted striking levels of need among women; a lack of recognition and responsiveness to these needs; significant barriers to engagement; and the importance of multi-agency working amongst services supporting women.

Five years on, with support from City Bridge Foundation, Birth Companions has used a co-design process to consider and better shape specific provision for pregnant women and mothers of children up to the age of two under probation supervision in London. To inform this work we commissioned a call for evidence. Findings largely reinforced those seen in *A Window of Opportunity* but also found there were significant geographic variations in services and that demand for services is outstripping organisational capacity.

Our co-design community brought together a range of stakeholders with lived, learned and professional experience within the health, criminal justice, social care and voluntary sectors. A series of meetings culminated in a set of recommendations around service delivery and addressing systemic issues, and noted the pressing imperative for probation policy to be more responsive to the needs of pregnant women and mothers.

“We’ve known probation needs to play catch up on pregnancy and early motherhood for a long time. Now, the need for action has become even more urgent, if we are to support women appropriately in the community and avoid failings in that support translating into escalating needs, avoidable harm, and imprisonment by default.”

Kirsty Kitchen, Director,
The Birth Companions Institute

Policy context

Since 2018, with the publication of the Female Offender Strategy³, there has been a raft of policy developments focusing on women in the criminal justice system.

The Female Offender Strategy laid out key principles for women's justice, prioritising early intervention, community-based solutions, and improved custodial environments where custody was necessary. Several policy papers followed, including the Farmer Review⁴ – emphasising family ties as central to rehabilitation – and HMPPS' Women's Policy Framework,⁵ which requires practitioners to provide trauma-informed, women-centred care, and account for women's caring responsibilities, but stops short of creating a dedicated framework specifically for probation practitioners working with pregnant women and mothers.

Each development has built on its predecessor. However, recent updates by way of the Sentencing Act and the recommendations of the Women's Justice Board have marked a rapid shift in policy and legislation pertaining to pregnant women and mothers.⁶



The Sentencing Act (2026)

The Sentencing Act⁷ received Royal Assent in January 2026, with key provisions coming into force in March 2026. Implementing recommendations from the Independent Sentencing Review, it is the most substantial reform of the sentencing framework in a generation, with considerable implications for pregnant women and mothers of infants under probation supervision, as Birth Companions has previously highlighted.⁸

The Act introduced a presumption against custodial sentences of 12 months or less, significant as 75% of all immediate custodial sentences given to women in 2024 fell into this category.⁹ The practical result of this provision should be that more pregnant women and mothers are managed under probation supervision in the community rather than in custody. Additionally, the maximum period for a sentence to be deferred was doubled from six to twelve months. This allows courts to wait for a woman to give birth, establish the mother-child relationship and engage with support services before passing the final sentence.

A substantial reform within the Sentencing Act is an amendment to the Bail Act 1976 which makes pregnancy and primary caregiver status key factors in bail decisions. This holds the potential to directly address the long-standing issue of the unnecessary remand of pregnant and postnatal women. The implications are considerable as over half the women entering prison are on remand.¹⁰

However, while these provisions are positive in reducing the likelihood of immediate custody or remand, women managed in the community still face a significant risk of entering or re-entering prison if they breach conditions or monitoring requirements. Breaches have often been shown to be linked to inadequate probation support, inappropriate licence conditions, unsuitable housing, or the impact of limited access to therapeutic and domestic abuse services.¹¹ In addition, the Sentencing Act shifted the fixed-term recall period to 56 days, which is a reduction in recall length for lots of men, but could well mean many women are recalled to prison for far longer than they would have been previously, when they often served 14 or 28 day recalls. Between April and June 2025, 57% of recalled women were serving a very short 14-day term, compared to 37% of men.¹² These women would now expect to remain in prison for 56 days, with huge consequences for their children, housing and employment. The justification for this extended recall period, and its impact on women, is unknown and of key concern, running the risk of undermining other, more positive aspects of the Act.

The Women's Justice Board: Recommendations report (2026)

The Women's Justice Board¹³ was established in January 2025, with the explicit goal of reducing the number of women in prison and improving outcomes for women in the criminal justice system. In March 2026, the Board published its report outlining a series of recommendations,¹⁴ acknowledging that substantial changes needed to improve experiences and outcomes for women in contact in the criminal justice system had not been fully realised, and that the implementation of a whole-system-approach for women had been patchy and underinvested.

Three recommendations made by the Board specifically pertain to pregnant women and mothers of infants:

- **Recommendation 11** calls for explicit legislation to end the imprisonment of pregnant women in all but the most exceptional cases, for strengthened care standards where imprisonment cannot be avoided, and for the development of residential alternatives to custody for pregnant women to be utilised as bail accommodation or as part of a community sentence, with learning to be taken from Hope Street.¹⁵
- **Recommendation 12** calls for the prioritisation of non-custodial sentencing for mothers of children under 18 through directions and an awareness-raising programme with sentencers, as well as enhanced pre-sentence reports.

- **Recommendation 13** focuses on improving outcomes for pregnant women and mothers across all stages of the criminal justice system, specifically through the introduction of a probation policy framework to mirror that used in prisons for women and babies in the first 1001 days, to guide supervision, licence conditions and community order requirements, bail and recall decisions.

Following publication of the report, the Government announced £31.6m of funding for women's services supporting women in contact with the CJS,¹⁶ aligning with the Board's recommendation for sustainable investment in specialist services.

The recommendation for a probation policy framework underpinned by the first 1001 days reflects what Birth Companions has long campaigned for. As of June 2026, we are still waiting for the Government to respond to the Board's recommendations.

The impact of policy developments

Whilst these most recent developments in policy and legislation hold the potential to significantly reduce the number of women in prison, there remains the risk that pregnant women and mothers may breach probation requirements and be recalled or redirected to prison if provision and support is not appropriate to their needs. This risk will remain largely unaddressed in the absence of a specific probation policy framework that is explicit in its recognition of the first 1001 days.

Understanding the needs and experiences of pregnant women and mothers of infants under the age of two on probation supervision

Birth Companions has worked with pregnant women and mothers with criminal justice involvement for over thirty years, providing crucial support and advocacy for women, building the evidence base, and campaigning for change.

Our specialist services, our *Window of Opportunity* report,¹⁷ and the call for evidence and co-design process we undertook in 2025/26 focusing on services and support for women with probation involvement in London, all demonstrate how urgent and under-addressed the needs of these women and their babies are. Improving understanding of, and responses to these needs is of critical importance in improving outcomes for pregnant women, mothers and their children, holding the potential to support rehabilitation, reduce reoffending, mitigate trauma and break intergenerational cycles of harm.

Complexity of need

Pregnant women and mothers of infants with criminal justice involvement face acutely complex and overlapping needs, with particularly high levels of mental health need intersecting with issues such as substance use, experiences of trauma, housing insecurity, and social isolation.

The perinatal period is a significantly high-risk period for domestic abuse and mental ill health: up to 30% of domestic abuse starts in pregnancy,¹⁸ and up to 26% of new and expectant mothers experience perinatal mental ill health.¹⁹ These issues compound one another: up to 70% of women accessing general mental health services have experienced domestic abuse, and women with antenatal and postnatal depression are three times more likely to report experiencing domestic abuse.²⁰



“The situation I was in at the time contributed to my mental health during my pregnancy... the whole going through the pregnancy, having nobody. Everyone just thinking she is crazy... no one being there for you. Then literally having a whole year, being on bail, sent back to court, back and to, back and to and having to go through the whole psychological thing.”

Woman with lived experience,
A Window of Opportunity (2021)

“[Women have] high previous exposure to cumulative trauma which has not only affected their mental health but reduced their opportunities to build agency and develop the internal resources they need to navigate the world. This seems to lead to cumulative disadvantage socially – early disengagement from school, contact with harmful peer networks, exploitative relationships, financial difficulties. By the time we meet the women, they are often facing several challenges in day to day life and are often very isolated with very little support from family, or from safe peers.”

Professional, call for evidence (2025)

Stigma, fear and barriers to disclosure

Women often describe feeling seen solely as ‘offenders’, with their pregnancy largely overlooked during probation supervision. Stigma associated with criminal justice involvement has a significant impact on women’s perceived status as mothers and on the quality of care they receive.

Fear of child removal is a major barrier to women disclosing needs related to mental health, substance use, and domestic abuse, and to engaging with services more broadly. Practical barriers such as childcare responsibilities also prevent many women from attending appointments, leaving them at risk of breach and increasing their sense of isolation and stigma.

“I have told them [probation] many times, I am scared of you and I wish I never had to see you back here again. The fear is because of the separation.”

Woman with lived experience,
A Window of Opportunity (2021)

“The most common barrier [to a woman engaging with services] is fear of service involvement, particularly children’s social care and the potential of separation from [her] baby shortly after the birth.”

Professional, call for evidence (2025)

Understanding the needs and experiences of pregnant women and mothers of infants under the age of two on probation supervision *continued*

Patchy and fragmented provision

Service provision varies significantly, meaning a woman's opportunities for support are heavily dependent on where she lives. While some areas benefit from strong multi-agency collaboration, others have fragmented and patchy provision, limited capacity, and poor coordination between services.

Moving from one area to another, often due to housing need, domestic abuse, or relocation after release from custody, disrupts women's support, can lead to established and essential provision falling away, and increases the risk of social isolation.

Probation offices are rarely co-located with other services, and women may need to access multiple NHS trusts for maternity and mental health services during pregnancy and early motherhood. Local authority services and requirements as part of children's social care concerns also span multiple agencies and differ by area. This complexity and inconsistency is compounded by unclear protocols, poor information sharing, and limited professional understanding of other systems.

“Support is provided at each individual local authority's discretion and sometimes it is difficult for mothers to build up a level of trust or good working relationship with a new social worker or support worker once they have moved areas.”

Professional, call for evidence (2025)

“I think the multi-agency care needs to be much more joined up to ensure that the woman is adequately supported. There is rightly a lot of focus on the safety of the baby by social care but not enough input into trying to work as a team to address some of the woman's usually underlying trauma. This is absolutely key if we are ever going to make significant change.”

Specialist Midwife,
A Window of Opportunity (2021)

Balancing risk management with support

Risk management is often disproportionately prioritised over holistic support for women.

The vast majority (87%) of the professionals who responded to our call for evidence said there was a tension between assessing/managing women's risk of reoffending, and providing rehabilitative, relationship-based support. 20% of respondents said this tension was present 'all the time.'

“Over the last 15-20 years now, there's been a significant change in probation in terms of focusing on punitive and public protection as the priority. Historically, probation was also looking at the welfare of the former prisoner or the person on licence and taking that as a duty to consider as well. So I think there's a wider conversation beyond mothers and women [...] but I would really like to know whether the 1001 days is in any policies or if anyone has come across it in terms of their experience with probation, because I haven't.”

Professional,
co-design community (2026)

“Stigma around offending colours the opinion of agencies, particularly statutory agencies, who are risk averse.”

Specialist Midwife,
A Window of Opportunity (2021)

“I was viewed as “that criminal”, not as becoming a mother again.”

Woman with lived experience,
A Window of Opportunity(2021)

Understanding the needs and experiences of pregnant women and mothers of infants under the age of two on probation supervision *continued*

Through the gate and community transitions

Transitions from prison into the community are a particularly vulnerable point in women's journeys through the CJS. Although there is an expectation that the Sentencing Act and implemented recommendations of the Women's Justice Board will significantly reduce the number of women in prison, this will not be an overnight process, and despite reforms, women will still enter prison in certain circumstances. Healthcare received in custody frequently lacks smooth continuity into community settings – with the Chief Medical Officer's report noting that:

“Transitions back into the community from prison are also a high-risk time [...] Continuity of maternity care can be challenging. Handover of care from the maternity team local to the prison to another maternity team in the area where the woman will move may not be accepted, as women are required to self-refer their pregnancy, despite the high-risk nature of the pregnancy. Research shows that transition to the community is also a high-risk time for deteriorations in perinatal mental health and there can be challenges ensuring continuity of perinatal mental health care. Disruptions in treatment and support can impact health outcomes.”²¹

High rates of recalls further disrupt any stability that has been established. Unlike prison services, probation has not consistently developed links with midwifery and maternity provision, and there are real challenges in establishing and sustaining coordinated care in the community, particularly where local authority boundaries, probation offices, and health services are not geographically aligned.

“From the criminal justice side, the challenge that I hear about most is the point of through the gate prison release, that is really the point where things become very disjointed. There's a real drop off there in communications and as we've said, not knowing where a woman is going to be living makes it really hard to engage them.”

Professional, co-design community (2026)

“When women are in prison and they are pregnant or postnatal, there's very clear pathways. There's lots of professionals involved with their care [...] However, their care then becomes really fractured when they move out of prison during their pregnancies. I've had several women who've been in and out of prison a couple of times during their pregnancies, and it's that lack of then having community antenatal care because they've not done a self-referral to the hospital.”

Professional, co-design community (2026)

Enablers of good practice

Despite the systemic challenges identified, there are clear examples of good practice across the country. Positive outcomes were most consistently linked to non-judgmental attitudes, consistent relationships with the same professionals, and effective support at the point of release from custody. Strong multi-agency working, co-location of services, clear communication, and trauma-informed, anti-racist and culturally competent approaches were all identified as core elements. However, these are often dependent on individuals going above and beyond their remit, rather than being embedded in the systems and supported by practice cultures. Specialist commissioning that centres these elements in a focus on the first 1001 days is essential to addressing the disparities in women's experiences and to ensuring good practice becomes the norm.

“I am not going to lie; my probation officer was lovely. She did bend over backwards to help me. She could see that I was not like a criminal. There were reasons behind what happened.”

Woman with lived experience,
A Window of Opportunity (2021)

“It’s down to the [probation] director we work with, who is a massive advocate for women’s services in the area. It’s got to come from the top and work its way down.”

Voluntary sector worker,
A Window of Opportunity (2021)

“I think most services across the board have a long way to go to being trauma-informed and anti-racist. I think a lot of services think they are, but actually haven't embedded this in the culture of their processes and workforce practice.”

Professional, call for evidence (2025)

“[Her] keyworker from Advance has worked with her to develop a support plan across domestic abuse, substance use and mental health, and discussed how these actions would also support her baby and meet the child protection plan. Her Birth Companions support worker attended meetings with children’s social care and her, and [she] has gained confidence to advocate for herself and her daughter.”

Case study from the Advance/Birth Companions service²²

Understanding the needs and experiences of pregnant women and mothers of infants under the age of two on probation supervision *continued*

Another ‘window of opportunity’ opens: recommendations for change

When we published ‘*A Window of Opportunity*’ in 2021, we were referring to the notion that pregnancy and early motherhood present particular opportunities to support positive change. We are now presented with another angle on this same phrase. We have reached a pivotal moment – marked by the Sentencing Act and the recommendations of the Women’s Justice Board – to deliver system-wide reforms that could deliver a radically different approach to pregnancy and early motherhood across the CJS.

Drawing on the themes and policy developments set out in this spotlight paper, we are calling for an urgent focus on a number of key priorities in order to ensure this new ‘window of opportunity’ results in real and lasting change for women and their babies. The recommendations of Birth Companions’ 1001 Days in the CJS campaign provide a practical framework through which to deliver this.²³

1 A probation policy centring the first 1001 days

HMPPS should develop and publish a specific probation policy framework for pregnant women and mothers of infants across the first 1001 days, in line with the recommendation made by the Women’s Justice Board. This must be informed by women with lived experience and relevant expert stakeholders.

2 Mandatory first 1001 days impact assessments

Police, probation officers and sentencers need to be able to make decisions and set conditions and expectations based on an understanding of pregnancy and early motherhood. Impact assessments specific to the first 1001 days must therefore be made mandatory as part of specific policy in these areas.

To support this, Birth Companions is currently developing an extension to the Child Impact Assessment Framework.²⁴ The new tool, available later in 2026, will support good practice by helping justice, health and social care professionals understand the impacts of CJS involvement on women and babies during the critical first 1001 days, and the actions and support they can implement to mitigate these.

3 Reform of commissioning processes

The first 1001 days should be explicitly recognised in commissioning frameworks across health, justice and social care, with ring-fenced funding allocated to specialist women's services to reflect the evidence base²⁵ on the benefits of investment in this critical period.

To complement this, a dedicated first 1001 days pathway should be created within service specifications to ensure targeted, time-sensitive support for women and their children during this critical period.

Core principles of practice – namely trauma-informed, anti-racist, culturally competent, gender-specific, and disability-inclusive approaches – must also be written into these commissioning requirements.

4 Wholesale adoption of the Women's Justice Board recommendations

The recommendations of the Women's Justice Board must be implemented in full, meaning that:

- The Government should legislate to end the imprisonment of pregnant women in all but the most exceptional cases.
- Residential alternatives to custody for pregnant women should be developed.
- Non-custodial sentencing for mothers of children under 18 should be prioritised.
- A probation policy framework to mirror that used in prisons for women and babies in the first 1001 days should be introduced.

The Government should give time-bound commitments to their implementation, and work with specialist organisations to ensure they are delivered effectively.

5 Gender-informed implementation of the Sentencing Act

Taking into account the work of the Women's Justice Board, the Government should commission and publish a timely gender-specific impact assessment of the implementation of the Sentencing Act, to ensure changes support the WJB's recommendations and do not further disadvantage or discriminate against women and their children.

Conclusion

The urgency of the needs of pregnant women and mothers with CJS involvement and their children cannot be overstated.

Significant developments seen recently in relation to criminal justice policy, and a growing understanding of the need to take a gender-specific approach for women in contact with the CJS, represent a hard-won window of opportunity. Pregnant women and mothers deserve better than a system that has for too long overlooked their needs and the needs of their children, with devastating consequences. By placing the first 1001 days at the heart of probation policy and practice, we can change the lives of countless women and their families. Every recommendation ignored constitutes a waste of efforts to reduce reoffending and offer all children the best start to life. By taking on board the recommendations set out above, and working alongside individuals and organisations with lived, learned and professional expertise in this area, the probation service and the wider CJS has a real and urgent opportunity to enact generational change.

This is our window of opportunity: we must make the most of it.



Appendix

Policy context 2018–2025

The Female Offender Strategy (2018)

Published in 2018, the Female Offender Strategy set a goal of drastically reducing the female prison population and established three foundational priorities that shaped policy interventions that followed: earlier intervention to address the drivers of women's contact with the criminal justice system; a greater emphasis on community-based solutions; and improving custodial environments where custody cannot be avoided. The strategy explicitly recognised the disproportionate impact of imprisonment on women's children and families, and committed to updating probation guidance on childcare as a barrier to compliance. Whilst ambitious, subsequent scrutiny found implementation to be slow and underinvested.

The Farmer Review for Women (2019)

The Farmer Review was commissioned as part of the Female Offender Strategy and published in 2019, focusing on the importance of family ties and relationships in reducing reoffending amongst women. The Review made a strong case for keeping women in the community during pregnancy and early motherhood, and recommended gathering information about family circumstances and dependent children from the earliest point of CJS contact; the impact on dependents be central to bail decisions; and support to maintain family ties and relationships be treated as an explicit element of rehabilitation rather than an optional addition.

Female Offender Strategy Delivery Plan (2023)

This Delivery Plan translated the 2018 Strategy into time-bound commitments spanning 2022–25, including investment of up to £21million into women's community organisations, piloting Problem Solving Courts as an alternative to short custodial sentences, and recruiting Health and Justice Coordinators across every probation region to support continuity of maternity and perinatal mental health care. It also committed to updating practitioner guidance on childcare as a barrier to compliance.

Female Offender Strategy Delivery Plan: 'One Year On' Progress Report (2024)

This progress report assessed how far the 51 commitments in the 2022–25 Delivery Plan had been met in the 12 months following its publication. It found genuine advances in some areas: Health and Justice Coordinators were recruited across all probation regions; an improved pre-sentence report pilot in South Central was integrated into national delivery; and perinatal leads were recruited to all Mother and Baby Units in prisons. An Intensive Supervision Court pilot in Birmingham had also progressed. However, specialist community services remained unevenly distributed across regions – an issue that has continued to the present day.

Appendix

HMPPS Women's Policy Framework (2024)

The Women's Policy Framework is the overarching document governing how HMPPS works with women at every point in the criminal justice system. Re-issued in December 2024, the framework mandates a gender-specific, trauma-informed approach to working with women with CJS contact. The framework's core principles require probation practitioners to provide personalised, woman-centred care; to take explicit account of women's children and caring responsibilities; and to work in genuine partnership with health, housing, and voluntary sector services to create wraparound support plans for women.

The framework makes reference to associated documents: the Pregnancy, MBUs and Maternal Separation in Women's Prisons Policy Framework (which was re-issued in 2026), and the Child Safeguarding Policy Framework. Compliance with the framework is monitored by Regional Probation Directors and Regional Women's Leads. For practitioners working with pregnant women and mothers of infants, this is the foundational document against which practice is assessed, but there is no dedicated Probation Policy Framework for this group to mirror the one for the prison estate.

Sentencing Guidelines (2025)

In April 2024, the Sentencing Council introduced a dedicated mitigating factor for pregnancy, childbirth and post-natal care, requiring sentencers to consider the impact of a sentence on the woman and her child. This stated that 'Custody should not be imposed on an offender who is pregnant or within the postnatal period (within 12 months after giving birth) where the impact on the offender or dependents, including unborn children, would make a custodial sentence disproportionate to achieving the purposes of sentencing'. Following amendments to the imposition of community and custodial sentences guideline in 2025, sentencers were further directed to 'obtain detailed information before sentencing a mother with dependent children or a pregnant or post-natal offender or to ensure that a sentence is compatible with their support needs and childcare responsibilities, and so they can access routine healthcare and maternity appointments' – although the guidelines stopped short of directing courts to adjourn cases involving pregnant women and mothers to obtain a pre-sentence report, as was included before the amendments.

*The court should obtain detailed information before sentencing a mother with dependent children or a pregnant or post-natal offender or to ensure that a sentence is compatible with their support needs and childcare responsibilities, and so they can access routine healthcare and maternity appointments – **Sentencing Council Imposition of community and custodial sentences guideline***

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