The birth companions Institute

Remand Collective

Seizing the opportunity

Making bail work for pregnant women and mothers of infants aged under two

Policy report
November 2026

Contents

01 Forewords
05 Executive Summary
09 Understanding remand in the first 1001 days
10 The changes to bail
11 Seizing the opportunity – making bail work for pregnant women and mothers of infants aged under two:

13 Gender-informed, trauma-responsive and intersectional decision-making

20 The right information at the right time

28 Suitable accommodation and support

35 Priorities for moving forward
38 Where to find further information and support
39 Annex – Women and remand in numbers
42 Appendix

"Legislation alone isn't enough to actually change what happens..."

Voluntary sector criminal justice professional

Forewords

As someone who has been held on remand, and was then given bail, I cannot express how important this piece of work is.

This report was written with women with lived experience (myself included) and with those whose expertise comes from their professional roles. That means we've been able to bring together a range of perspectives on the issues and the possible solutions in what is a complex area. All to help pregnant women and mothers.

I hope this report gives those involved in bail decisions a deeper understanding of the needs and rights of pregnant women and mothers, and of the long-lasting impact and trauma created by a refusal to grant bail, or a lack of support to navigate bail. It is so important that we make the most of the recent changes to the Bail Act. Remanding a pregnant woman or new mother to prison, where she does not and cannot receive the same level of healthcare, nutrition and information that she would in the community, and where she can't make decisions or control her own environment, must be an absolute last resort. Successful, supportive bail can break cycles of harm instead of adding to the trauma so many women carry with them. It can keep mothers together with their babies. It can lead to brighter futures for women and their families. We have an opportunity here, to focus on the human impact in these decisions.

Please read this report, consider the human cost, and share it with others, because every woman and mother deserves dignity, and every child should have the chance to stay safely with their mother.

Sam Harkness, Lived Experience Consultant

Forewords

The changes to the Bail Act 1976, combined with the liberalising of the suspended sentence regime introduced by the Sentencing Act 2026, present a radical opportunity to have an impact on the female prison population, which, despite successive governments expressing a policy commitment to reducing female imprisonment, has remained static. These changes have been driven by prison overcrowding but also reflect a shift in public attitudes to the incarceration of caregiving women, which have been influenced by NGOs and lawyers working behind the scenes, and with the media, to contextualise women's offending.

It has always been open to magistrates and judges to consider pregnancy or dependent children in making bail decisions. However, as the remand figures show, that has left too much to chance. Courts must now consider the fact that a defendant is pregnant, is a primary carer, or has been a victim of domestic abuse, when considering the grant of bail. Additionally, where there is no real prospect that a defendant is likely to receive an immediate custodial sentence, the Bail Act is further amended so certain exceptions to bail are disapplied.

But, as this important report makes clear, legislation alone will not change outcomes. Judges and magistrates need training in the importance of the first 1001 days of a child's life and in gender-informed decision-making. Courts need the right information at the right time. And women need suitable accommodation and support in the community. A decision made quickly, often on very little information, in a busy court list, can separate a mother from her baby or send a pregnant woman into a prison system where every pregnancy is high risk.

Defence lawyers carry a particular responsibility here, because putting that information before the court falls mainly to them. Resources such as the Level Up x Doughty Street Chambers Legal Toolkit exist to fill the information gap. Birth Companions has drawn on the voices of those with lived, learned and professional experience to shape recommendations for best practice, as well as highlighting positive pilot schemes. I commend it to everyone who plays a part in bail decision making. Parliament has opened the door, and it is now for all of us to make sure women can walk through it.

Maya Sikand KC
Doughty Street Chambers

How we developed this report

In Summer 2026 we spoke with more than 30 people with relevant lived, learned and professional experience from across the justice, health and voluntary sectors, including women who had themselves been subject to bail or remand. All contributions are anonymised.

We are grateful to everyone who shared their time and insights, and particularly to members of the Remand Collective, of which Birth Companions is a member.

Thank you also to Firebird Collective, Esmée Fairbairn and AB Charitable Trust, who funded this work via the Remand Collective.



About Birth Companions

Birth Companions is a national charity supporting women who are pregnant or giving birth in very difficult circumstances. These include mothers in prison or on probation; mothers with insecure immigration status; and mothers who have involvement from children's social care. Their lives are often shaped by deep-rooted, structural factors such as sexism, racism and poverty.

At Birth Companions, we deliver specialist services to improve women's lives in the here and now. We make sure there's evidence of what's going wrong and how to make things right. We work with partners to shape national law, policy and guidance, improve the care given by statutory services and systems, and ensure women's rights are upheld.

Executive summary

In March 2026, the Bail Act was changed to include a specific statutory requirement for courts to consider, where relevant, a defendant's pregnancy, primary caring responsibilities, and experiences of domestic abuse. We've written this report to help ensure the government and all relevant agencies seize this opportunity to significantly reduce the number of pregnant women and mothers entering prison on remand, as well as reducing the remand of women as a whole. The report will be supported by topline briefings for women navigating the criminal justice system and the professionals working around them.

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.[1] It is now well understood that pregnancy in prison is high risk, and that imprisonment during the first 1001 days is particularly harmful for both mother and child.[2]

Through changes to the Bail Act 1976, introduced by the Sentencing Act 2026 and brought into force in March 2026, Parliament has made clear its intention to limit imprisonment before trial or before sentencing ('remand') for those accused of less serious offences – and specifically for pregnant women, primary care givers and victims[3] of domestic abuse.

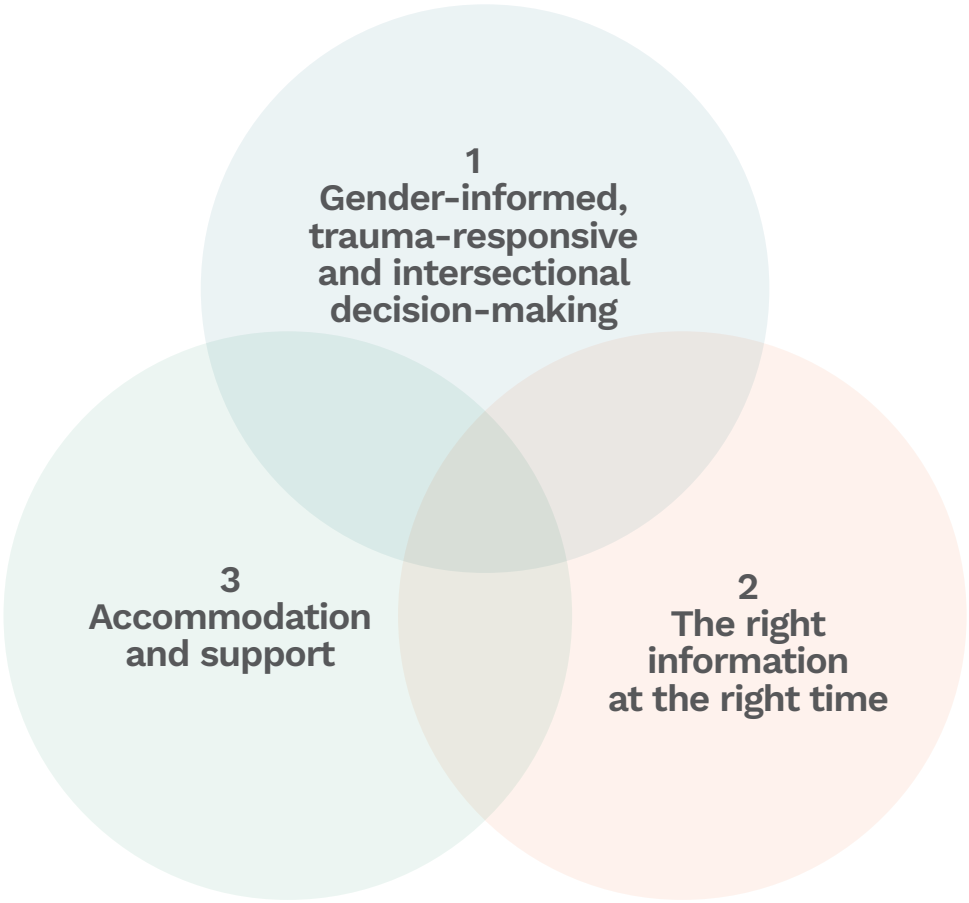
This should allow many women awaiting trial or sentence for less serious offences to be diverted from prison into support in the community. However, it will rely on judges, magistrates and all other professionals involved having a clear understanding of the critical nature of pregnancy and early motherhood, and women's needs and circumstances in this period. Bail decision-makers will also need to have the relevant information to ensure they can take these factors into account. Moreover, bail is only likely to be granted, and will only be effective, if there is suitable accommodation and support available for women in the community.

"There's a lot of support needed in those courtrooms. There should be people available who can assess women's individual circumstances, recognise when imprisonment may not be necessary and offer appropriate advice. This would allow magistrates to consider not only the offence but also the woman's personal circumstances, responsibilities and the wider impact of their decision."

Woman with lived experience

Executive summary continued

We identify three core elements needed for the changes to work as intended:



1 A whole system approach, underpinned by training, is needed to ensure all professionals work together to make fair, effective decisions on bail for women, with a particular focus on pregnant women and mothers. This approach should be informed by women's lived experience, using multi-agency practice that is **gender-informed, trauma-responsive and committed to recognising how intersecting inequalities and experiences shape a woman's specific needs**. Measures are also needed to improve the **transparency and accountability** of bail decisions.

2 It is essential that the court has **the right information at the right time**, so they know whether the woman whose case is before the court is pregnant or a primary carer, understand the specific needs of the mother and her child, and know what support is available to them.

3 **Suitable accommodation and support** should be in place for every pregnant woman and mother of an infant under two who appears before the court, delivered through effective commissioning and timely referrals.

Executive summary continued

In most cases, current practice is far from satisfying these three requirements. However, there are examples of good practice and steps that can be taken at national and local levels now.

Our recommendations are summarised below and set out in full at the end of the report:

Gender-informed, trauma-responsive and intersectional decision-making

- The Judicial College should establish mandatory training and awareness-raising for judges and magistrates on the first 1001 days with specific attention to bail, as well as gender-informed, trauma-responsive, intersectional approaches to bail decision-making for women more broadly.
- Police, prosecutors, probation practitioners and court staff must receive training on the first 1001 days specifically in relation to the bail changes.
- Professional bodies must facilitate awareness-raising for criminal defence lawyers on the first 1001 days and the bail changes, using resources such as the Level Up x Doughty Street Chambers Legal Toolkit.
- The government must incentivise and support the establishment of women-specific approaches in mainstream criminal justice proceedings everywhere, not only in Intensive Supervision Courts. Multi-agency models should be used to maximise diversion and ensure early and effective referrals into accommodation and support, including a focus on the importance of the first 1001 days.
- Ministry of Justice (MoJ) and HM Prisons and Probation Service (HMPPS) must issue guidance on electronic monitoring for pregnant women and mothers in the first 1001 days.

The right information at the right time

- All agencies must ensure women have the information they need to participate in bail decision-making and successfully navigate bail.
- Police must routinely ask women at the point of arrest about pregnancy, primary caring responsibilities and domestic abuse, and should receive training on supporting safe and informed disclosure, safeguarding and information sharing, and making appropriate onward referrals.
- The government must mandate impact assessments specific to the first 1001 days, to be completed when making bail decisions and setting conditions. These assessments should be informed by

Executive summary continued

the 1001 days impact tool currently in development at the Birth Companions Institute.

Suitable accommodation and support

- Central government and local commissioners must ensure that in every local area:
    - Women's specialist services are commissioned to support and advocate for women at the police station and in court, and women-specific Bail Information Officers are available in court as well as in prison.
    - Suitable accommodation is available for women before and at the point of bail decisions. This could include a targeted expansion of dedicated temporary CAS2 accommodation with attached women's specialist support.

Underpinning priorities

- The government must measure the impact of the bail changes for pregnant women, primary care givers and victim-survivors of domestic abuse, and for women more generally – including a breakdown for protected characteristics and immigration status. This monitoring must include mechanisms for meaningful feedback from women with lived experience on challenges and potential solutions.
- The quality of bail decision-making should be improved and transparency and accountability increased. JUSTICE's recommendations should be implemented to support this, including increasing the diversity of magistrates, and providing structured guidance to promote lawful decision-making, better training and appraisals of decision-makers.[4]

And more broadly:

- The government must accept the Women's Justice Board's (WJB) recommendations and publish a cross-government strategy for reducing women's imprisonment and improving outcomes.
- The government must legislate to end imprisonment of pregnant women other than in the most exceptional circumstances.
- HMPPS must deliver a Probation Policy Framework on the first 1001 days.
- All agencies must embed understanding of the first 1001 days in the whole system approach to women in, or at risk of, contact with the criminal justice system.

Understanding remand in the first 1001 days

Over-use of remand and disproportionality

The remand prison population for both men and women grew annually from 2020 to 2025 to reach record levels, partly as a result of court backlogs.[5] A downward turn began in August 2025, attributed by the MoJ to an extension of magistrates' sentencing powers and an increase in the number of Crown Court sitting days.[6] It is hoped that the changes to the Bail Act will contribute to further reductions.

The over-use of remand for women appears to occur in distinct ways as compared to men, particularly through misguided use of prison as a place of safety.[7] Almost nine in 10 women on remand are considered a low to medium risk of serious harm to the public.[8] In 2024, more than two out of three (68%) women remanded and tried by the magistrates' court did not go on to receive a custodial sentence.[9] Remand is disproportionately used for young women, as well as Black and minoritised individuals and migrant[10] people, as set out in the Annex.

The harms of remand during pregnancy and early motherhood

For pregnant women and mothers of young infants, the risks and harms of remand are especially acute. NHS England classes all pregnancies for women 'in detained settings' as 'high risk'.[11] The Royal College of Midwives and the Royal College of Obstetricians and Gynaecologists both emphasise the need for alternatives to prison to be used for pregnant women wherever possible.[12] Since 2024, Sentencing Guidelines have included a specific mitigating factor on the first 1001 days:[13]

> **The impact of custody on an offender who is pregnant or post-natal can be harmful for both the offender and the child, including by separation, especially in the first two years of life.**

In 2025, women on remand accounted for 39% of all self-harm incidents in the remand prison population despite representing only 5.6% of those held on remand (as at 30 June 2025).[14] Research shows it can be very difficult for women in prison to access equivalent and appropriate healthcare, including urgent medical assistance or specialist maternity services[15] and appropriate mental health provision[16].

In the community, pregnancy and the postnatal period are high-risk times in terms of severe mental ill-health, suicide or death resulting from substance use, as evidenced by annual reports on maternal mortality.[17]

Understanding remand in the first 1001 days continued

Many women who give birth during their time in prison, or who enter prison after giving birth, will be separated temporarily or permanently from their baby. This risks significant trauma during a period when the mother-baby attachment is known to be crucial. Even short periods of maternal imprisonment can seriously affect a child's long-term health and wellbeing, as well as the mother's mental health.[18]

Women who are remanded can, in principle, apply for a place on a Mother and Baby Unit (MBU). However this can never be guaranteed, whether on remand or under sentence, as pointed out in sentencing guidance which states:

> **Courts should be aware that access to a place in a prison Mother and Baby Unit (MBU) is not automatic. Even if a place is available, the duration of the placement cannot be guaranteed.**[19]

Experts told us that it can be harder for women on remand than for those under sentence to access a MBU place, creating anxiety and leading to traumatic separation of mother and child if a place is not secured.

Data on the number of women separated from an infant as a result of remand is not collected, so the true scale of the issue and the associated harms is unknown.

Distinct and additional harms and disparities arise in relation to the imprisonment of Black, minoritised and migrant women, young women and victim-survivors of domestic abuse, as detailed in the Annex.

The changes to bail

The Bail Act 1976 states that bail should be granted to anyone awaiting trial or sentencing, unless there are substantial grounds for believing a statutory exception applies[20], or where the court is satisfied that they should be remanded for their own protection.[21]

> **Remand for own protection**
> Experts have long called for an end to the imprisonment of people for their own protection[22] and this is a particular concern in relation to women.[23] The Mental Health Act 2025 introduced a provision to end the use of remand for own protection for adults where the court's sole concern is the defendant's mental health, but this has not yet been brought into force.[24]

As of March 2026, changes to the Bail Act, introduced through the Sentencing Act, provide that courts should not remand individuals where there is 'no real prospect' of them receiving an immediate custodial sentence if convicted.[25] Accompanying changes to

sentencing law mean that immediate custodial sentences should now be less likely for lower-level offending; this should in turn lead to a reduction in remand.[26]

There is also now a specific statutory requirement for courts to consider additional factors when deciding a bail application. As well as circumstances such as character, seriousness of offence and any others that appear relevant, the court must now also consider, where applicable, the fact that:[27]

- The defendant is pregnant
- The defendant is a primary carer of another person; or
- The defendant has been a victim of domestic abuse.

Bail conditions, including electronic monitoring, may be imposed where needed to ensure the exceptions to bail are addressed. Provided statutory conditions are met, an electronic monitoring requirement can now be imposed where the court concludes that there is a real prospect of a suspended sentence and no real prospect of an immediate custodial sentence.[28]

If bail is refused, or if it is granted with conditions, the court must give reasons for their decision.[29] Bail must be kept under review throughout the life of the case.

Seizing the opportunity – making bail work for pregnant women and mothers of infants up to the age of two

Given the risks and harms of imprisonment, the benefits of reducing remand for pregnant women, mothers and victim-survivors of domestic abuse are clear. Women who are later acquitted avoid the severe disruption and harm of imprisonment. For women who are convicted, bail in the community potentially provides an opportunity to address the root causes of their offending, stay with their support networks and in their home, care for their children, engage with appropriate services and demonstrate their capacity for rehabilitation or, as one participant put it, 'to start doing some intervention before that woman goes back to court'.

This could then have a positive impact on the woman's rehabilitation and potentially make a custodial sentence less likely. This is a particularly rich opportunity during the first 1001 days, when women may be especially motivated to access support and make changes.[30] Bail also avoids the significantly higher financial cost of imprisonment and reduces pressure on scarce prison capacity while serving the public interest.

Seizing the opportunity – making bail work for pregnant women and mothers of infants up to the age of two

continued

However, bail will still only be granted if the courts are satisfied in individual cases that exceptions to bail do not apply at all or are mitigated by support that is in place, or that the 'no real prospect' test is satisfied.

Participants in our discussions overwhelmingly agreed that the bail changes are unlikely to have the intended effect of reducing remand unless significant work is done on the ground to support implementation. Women remain dependent on the judge or magistrate having enough information to assess relevant risks and mitigations, bearing in mind the harms of imprisonment and using a gender-informed, trauma-responsive and intersectional approach. Women are also reliant on any necessary mitigations being put in place in time for her bail hearing, which might include suitable accommodation as well as women's specialist support.

Avoiding unnecessary remand does not start with the bail hearing but requires a focus from the earliest possible stage to divert women away from criminal proceedings wherever possible, to avoid police detention wherever possible, and to make early and effective referrals into accommodation and support.

Some experts were confident that the bail changes will lead to a significant reduction in remand, with a magistrate predicting:

"Remands in custody will be rarer because of the Sentencing Act."

However, in order to put pregnant women and mothers in the first 1001 days in the best position to be granted bail and to successfully navigate their time on bail, our discussions with experts indicated that three elements need to be in place: (1) gender-informed, trauma-responsive and intersectional decision-making; (2) the right information at the right time; and (3) suitable accommodation and support.

Gender-informed, trauma-responsive and intersectional decision-making

There was a consensus amongst participants that judges, magistrates and their legal advisers need specific training to ensure they understand the changes to bail and know how to apply them in a gender-informed, trauma-responsive and intersectional way. This must include understanding of the importance of the first 1001 days, the harms of imprisonment and the availability of alternatives in the community.

Participants agreed that it is crucial to build better understanding of the additional barriers to justice and support that can be faced by particular groups of women, such as young women and Black, minoritised and migrant women, and to take a proactive approach to avoiding bias and unfair stigmatisation of women in contact with the criminal justice system, focusing instead on seeing the whole person and their relationship to their family and community.

Achieving this requires a multi-agency, whole system approach with women's specialist services at its heart, informed by women's lived experience and underpinned by effective training, to achieve enhanced understanding and culture change. This must extend beyond judges and magistrates to criminal defence lawyers, the police and others who influence bail decisions and women's success on bail.

Participants also identified a need for greater transparency in bail decisions and accountability mechanisms for decision-makers.

What is gender-informed, trauma-responsive and intersectional decision-making?

Gender-informed decision-making recognises and takes account of the specific needs and circumstances of women in contact with the criminal justice system, based on a good understanding of women's lived experience in this context. Every woman is different, but common factors can be considered and questions asked to gain and act upon gender-informed understanding of individual cases.[31]

A **trauma-responsive** approach is one which is alert to the potential (or in this context, likely) presence of a background of trauma for the woman before the court. This approach would demonstrate a good understanding of how trauma may impact behaviour both at the time of an alleged offence and while going through criminal justice proceedings; and it would include commitment to doing what is possible to avoid compounding trauma through systems and practices. This approach may also require safeguards and support to be put in place to overcome barriers to participation in the criminal justice process that can arise due to past and present trauma.[32]

Gender-informed, trauma-responsive and intersectional decision-making continued

Intersectional practice is committed to recognising how intersecting characteristics and experiences (which may be based on factors such as age, ethnicity, disability, socioeconomic status and immigration status) shape an individual's specific needs and circumstances. In this context, it should involve work to overcome structural and systemic barriers to justice that can operate in relation to multiple shared characteristics and circumstances. An intersectional approach should recognise diverse perspectives and give space to marginalised voices; it should include critical reflection by practitioners on their own identity and perspectives, to consider how these influence their practice.[33]

Understanding the bail changes

JUSTICE's research suggests that, even prior to the bail changes, the Bail Act was not being used correctly in remand decision making in the majority of cases.[34] This underlines the importance of ensuring the changes to bail are well understood. A magistrate told us:

"[Magistrates] haven't had bespoke training on the changes as far as bail is concerned, and that is perhaps an issue... In a fast-paced remand court, sometimes those changes are not being homed in on in a sufficient way to ensure they are being adhered to."

Participants reported that magistrates have had a significant amount of training recently because of the scale of changes in the Sentencing Act, but that there was a need for a specific focus on women and the first 1001 days.

"[Magistrates] are trying to adapt to an awful lot of change in quite a short period of time and the people on the bench are volunteers and [are] trying to catch up."
Magistrate

Gender-informed, trauma-responsive and intersectional decision-making continued

Promoting gender-informed, trauma-responsive and intersectional approaches

Much of our discussion with participants focused on how decision-makers assess and balance different risks. It was noted that lack of gender-informed understanding and knowledge of the harms of imprisonment, particularly for pregnant women and mothers of young children, can mean that assessments of risk are poorly balanced. A family law solicitor observed how remand into custody can in fact increase risk:

"We see a lot of long-term consequences of remand... Even relatively short periods can have lasting effect on attachment, contact arrangements and family life. These are all important changes that should be taken into consideration."

Challenging the concept of prison as a 'place of safety'

Participants remarked that it is important for training and resources to challenge the idea that prison is a place of safety, as well as ensuring there is alternative provision in the community in which judges and magistrates can have confidence.

"The women I work with are extremely vulnerable and a lot are in supported housing or temporary accommodation. Remand is used a lot for their safety. There's not a lot of safe spaces for women, so we find that when women are remanded it's for their own safety."
Women's specialist service provider

A woman spoke about her experience of remand 'for her own safety':

"I was remanded on the grounds of safety, and I've always asked the question of safety for who? Because from my initial arrest I was actually police bailed to the community for seven months and then was snatched out of my life and put in front of three magistrates who took about, I don't know, 60 seconds to confer and made the decision to remand me to custody where I was ... for 18 months before I was sentenced..."

She added:

"Prison is not a safe space. It's not a safe space for anybody, let alone a pregnant woman...You're hyper vigilant all the time. So, of course, that's going to come out on the baby."

Gender-informed, trauma-responsive and intersectional decision-making continued

Challenging bias

Judges and magistrates have significant discretion in bail decision-making and this gives rise to the risk of bias. Research by JUSTICE suggests that non-case-specific factors such as nationality, or appearance in a secure dock, affect magistrates' decisions about bail.[35] This was reflected as an important consideration in our discussions with experts.

"We all carry biases. It's complicated because it's hidden, but to what extent do we think biases impact decisions on women even when the law has changed?"
Health professional

A family justice professional described the stigma that mothers often face in criminal proceedings:

"So much of the CJS [criminal justice system] do not see women as part of families or part of communities. There is a longstanding culture of the identity of a criminal rather than seeing them as a mother or someone who is important in their family. This needs a real shift that some will struggle with."

A woman with lived experience suggested action should be taken to address this:

"People need to support these magistrates... Some of them are biased, some of them are ignorant... They might be thinking, 'You have no business being here as a woman, so I'm going to put you in prison,' not understanding that a lot of women get coerced by men. It's a lot of manipulation, there's so much behind it."

Young women and Black, minoritised and migrant women

As set out in the Annex, young women and Black, minoritised and migrant women are all disproportionately likely to be remanded compared to other groups.

Research by May Robson in 2022 revealed that the bail system systematically disadvantages women who are, or are perceived to be, of foreign nationality, and that hostile measures brought in under the Immigration Act 2014 impact on police bail decisions.[36] Robson found that perceived community ties, or the lack of family ties, have increased significance for foreign national women at bail hearings; that 'foreignness' has become grounds for suspicion of absconding in bail cases; and that ongoing immigration proceedings or deportation orders make custodial remand more likely.

Gender-informed, trauma-responsive and intersectional decision-making continued

The subsequent extension of the 'hostile environment' through the Nationality and Borders Act 2022, Illegal Migration Act 2023 and recently proposed radical measures to change the asylum and settlement systems mean these negative impacts are only likely to have increased for migrant women.[37]

A magistrate observed during our discussions: "I can see that [lack of community ties] would be put forward as a reason to refuse [bail]" for a migrant woman. However, many women without British citizenship in contact with the criminal justice system will have strong community ties, including dependent children in many cases. Migrant women should not be denied bail based on any assumptions about their community ties. Research has found that migrant women in prison have faced inappropriate exclusion from rehabilitative opportunities like open conditions or release on temporary licence, due to a primary focus on potential deportation even where women's rights of appeal against deportation have not been exhausted; and this has been the subject of criticism by the prisons inspectorate.[38]

The role of police and others outside the courtroom

Experts suggested that training and culture change are needed not only for judges and magistrates but also for police, prosecutors and defence lawyers, and other agencies involved outside the courtroom.

Research by JUSTICE and others suggests that police bail decisions in particular can influence the court, as defendants appear more likely to be remanded by the court if they appear from police custody.[39]

> *"If you have someone appearing from custody because the police have detained them, it suggests to decision makers that someone has already made that call."*
> Voluntary sector criminal justice professional

The importance of diversion before matters get to court was also pointed out. The role of the police is critical in three ways: to divert women away from the court process wherever possible, to reduce reliance on police detention wherever possible, and to make early and effective referrals into women's specialist services.

Women with lived experience highlighted the need for information and support to be provided to women at the point of arrest and before their court hearing, such as a leaflet in the police station and access to a support worker or peer mentor.

Gender-informed, trauma-responsive and intersectional decision-making continued

A voluntary sector criminal justice professional pointed out the importance of recognising 'institutional racism at different parts of the justice system' which 'are likely to influence those remand decisions. For instance, decisions of the police are going to impact remand decisions as well. And … the increased likelihood of getting a harsher sentence or a custodial sentence is also going to have an impact on the question of 'no real prospect' etc.'

It was suggested that training must go beyond magistrates to anyone coming into contact with women from the point of police arrest and preferably earlier.

The disconnect between family justice and criminal justice systems and the harm that this causes, was also raised, as well as the need to upskill professionals on both sides of that divide so that they can work together to maximise the chances of safely keeping families together.

"There is so little … partnership work and communication between the family justice and the criminal justice system. We know time scales completely mismatch and they can clash with each other… how can you start to bring in ideas around multidisciplinary, multi-agency training to start to place a person in the context of their family to understand what family justice processes or safeguarding processes might they be going through…in a much more timely way?"

Family justice professional

The role of training in shifting culture

A woman with lived experience who had co-delivered training to judges pointed out the difference that can be made by impactful training to achieve culture change:

"When you humanise the impact, it really does change people's mindsets."

Improving understanding of judges and magistrates about the impact of imprisonment, and raising awareness of community alternatives, is the focus of work being done by the Remand Hub lead and colleagues at HMP Eastwood Park. This includes arranging visits to the prison for magistrates and giving talks to judges.

Gender-informed, trauma-responsive and intersectional decision-making continued

One contributor explained that the Judicial College is rolling out training on trauma-informed approaches and that magistrates 'receive a lot of training about bias.' They suggested that, alongside increasing diversity in the magistracy, this training may be helping to make bias less of an issue. However, the general consensus was that this remains a problem.

Transparency and accountability

When bail is refused, reasons should be given. However, research by JUSTICE suggests that people are being remanded without legal reasons being provided.[40] Reasons for remand are also not systematically recorded or published. This lack of transparency means there is little understanding of why women are remanded in the first place, creating clear difficulties in individual cases.

Lack of accountability was also identified as a problem by participants in our discussions, with voluntary sector criminal justice professional commenting:

"For magistrates there is very little accountability. There are very limited consequences for doing a bad job because they are volunteers."

A woman with lived experience added:

"There needs to be accountability... There's nobody to hold anyone to account, be it judges, establishments, anyone, and I think that needs to be put in place."

JUSTICE has proposed reforms to address these problems, focusing on Magistrates' Courts because they make most pre-trial detention decisions.[41] These include increasing the diversity of magistrates, structured guidance to promote lawful decision-making, better training and appraisals of decision-makers, and recommendations to ensure sending people to prison to await trial is treated as a last resort.

The right information at the right time

Where bail is opposed, judges and magistrates will receive arguments from the prosecution about relevant risks. JUSTICE's research suggests they are likely to rely heavily on this, and to receive little information about how those risks can be mitigated in the community. This was confirmed in our discussions with experts.

"At that first hearing [the court has] very little information other than what is presented by the prosecution…Risks are highlighted and mitigations are less likely to be known. This is one reason why people are remanded who don't get custodial sentences."
Magistrate

Ensuring the court is well informed about the critical importance of the first 1001 days and has the information it needs about the woman before them, is primarily the responsibility of the woman's criminal defence lawyer, assisted by any NHS Liaison & Diversion (L&D) services, Bail Information Services or women's specialist services that are available to support the woman and provide information on her behalf. A criminal defence lawyer pointed out the challenges this can involve:

"Making good bail decisions in light of these factors is dependent on the information that is gathered and presented to the court at the right time as well as the opportunities and added considerations that may need to play into what bail conditions then look like. This is a real challenge because … the speed with which decisions are made with very little information creates a massive tension given these factors that must be taken into account."

Making sure judges and magistrates receive balanced information in a timely way is challenging for several reasons:

- Court hearings are short, and decisions tend to be made very quickly.
- Some women are unrepresented and those who have a defence lawyer often have very little time with them.
- Defence lawyers may have limited experience of representing women because they make up a small minority of defendants in the criminal courts.
- In many cases there is little opportunity to facilitate multi-disciplinary, holistic assessments of women's needs and circumstances and to make referrals into suitable accommodation and support before bail decisions are made.

The right information at the right time continued

"It's an imperfect environment to make sensible decisions. Risks loom larger than downsides for the defendant... But [the courts] will be remanding fewer people because of the new test."
Magistrate

Given their critical role, it is essential that criminal defence lawyers are well informed about the importance of the first 1001 days. The Level Up x Doughty Street Chambers Legal Toolkit equips lawyers with the core legal arguments, tools and resources to effectively represent pregnant women and mothers of infants at all stages of the criminal justice process including bail, sentencing and appeals against sentence. However, there is no mandatory training on these matters, and many lawyers may not be aware of this resource.

As explained above it is also critical for judges and magistrates, and their legal advisers, to receive training on the first 1001 days and to have sufficient background understanding of gender-informed, trauma-responsive and intersectional approaches, all of which will support well-informed decisions on remand. Experts also emphasised the importance of effective communication between criminal and family justice services to support decision-making.

A number of services should be available in principle to assess women's needs and circumstances and provide information to the court at the point of bail decisions. This includes L&D services and the Bail Information Service, as well as children's services where involved, and voluntary sector women's specialist services where they are commissioned to support women. However, availability of these services is unevenly distributed geographically, and not all provision is women-specific.

While the NHS aims to have women-specific L&D pathways in every area and HMPPS aims to train Bail Information Officers to understand women's specific needs, we are very far from having consistent, gender-informed provision in every court and one contributor commented that the Bail Information Service is rarely available at all.

The criminal justice environment is not conducive to gathering information about women's circumstances. Women may choose not to disclose that they are pregnant or that they have children, due to fear of social care involvement. For the same reason, women may not disclose their experiences of domestic abuse, mental health needs or harmful substance use.

The right information at the right time continued

Women's specialist services can play a critical role in supporting women to overcome barriers to disclosure, thereby ensuring the court has the information it needs – not only for the bail hearing, but also for the rest of the proceedings. Disclosure is more likely to take place if the woman has been referred to specialist services before the hearing, and at least some time has been available to build trust.[42]

It is the responsibility of frontline professionals to ensure women's disclosure is safe and informed, and to explain confidentiality, safeguarding processes and information-sharing arrangements clearly. Women may need support to challenge or correct inaccurate information being presented about them. Clear explanations and opportunities to correct inaccuracies can help women engage more confidently with services and court processes.

In a small number of courts, women's specialist services are funded to offer support on the day. However, in most courts these services will not be available, presenting real challenges in ensuring courts have timely information about the woman's needs and circumstances, and available support.

A tool to understand the impact of CJS involvement in the first 1001 days

The Birth Companions Institute is currently working with the Prison Reform Trust and with those with lived, learned and professional experience to develop a new tool to help understand the impact of criminal justice involvement during pregnancy and early motherhood. It is designed to play an important part in ensuring every professional involved has a shared understanding of a woman's needs and circumstances, and those of her child. The Tool, which acts as an extension of the Child Impact Assessment, uses a series of questions to support clear, trauma-informed conversations with women. This can in turn support multi-agency working and shape effective decision-making, including setting conditions for bail, exploring accommodation needs and connecting women with wider services.

Funding women's specialist services to provide continuous support from the point of arrest onwards (and preferably earlier, before contact with the criminal justice system) would assist at each stage of the criminal justice process, including bail hearings. It could also lead to a reduction in police detention.

The right information at the right time continued

Supporting women to participate in proceedings

Women's specialist services can be key more generally to ensuring women understand what is happening and are able to participate in proceedings. For Black, minoritised and migrant women, lack of cultural competency may lead to incorrect assumptions and misunderstandings by practitioners, as well as structural and interpersonal racism, contributing to unequal treatment and outcomes. Structural failures to overcome language barriers are also a critical consideration.

Cultural competency is the ability to understand, communicate, and effectively interact with people across different cultures, backgrounds, and belief systems. In practice, this involves recognising personal biases, respecting and valuing cultural differences, and adapting speech and behaviour to communicate respectfully.

"I think implementation guidance always has to consider or recognise that Black, minoritised and migrant women may face additional barriers in demonstrating their caring responsibilities or their access to community support. Language barriers are another thing. …Proper legal advice in those situations can affect whether these new protections work fairly in practice. That is needed as early as possible."
Family law solicitor

Robson's research found that specialist support for migrant women in the court setting is variable and often poor; that language and financial barriers, as well as unfamiliarity with the legal system, impact on migrant women's access to justice; and that cuts to legal aid, privatised translation services and remote hearings discriminate against migrant women.[43]

Where there are communication barriers, including for women whose first language is not English or who have literacy or other communication needs, there are additional responsibilities on the state and third sector agencies to gather information, communicate effectively and ensure women can participate in proceedings. Facilities such as the Big Word can be used in some settings.[44]

Hibiscus Initiatives runs a funded service to support Black and minoritised migrant women appearing at Westminster Magistrates Court, while the Nelson Trust currently provides support for women appearing at Bristol Women's Specialist Court.

The right information at the right time continued

Hibiscus service at Westminster Magistrates Court

Hibiscus Initiatives is an organisation supporting and advocating for Black and minoritised migrant women in contact with the criminal justice and immigration systems. Since 2023, Hibiscus has delivered a specialist court-based advocacy service for Black and minoritised migrant women at Westminster Magistrates' Court. The service includes initial assessments with women held in court custody and those on bail awaiting sentencing, to identify and address their immediate and longer-term needs. This support helps migrant women understand the criminal justice process, their rights and the options available to them. Hibiscus advocates also liaise with solicitors, court staff and probation practitioners to share relevant information that may contribute to pre-sentence reports (PSRs) and inform sentencing outcomes.

Taking a holistic approach, Hibiscus supports women to address urgent practical needs and provides referrals to specialist services where needed.

Drawing in other agencies

Some information needed by the court will come from other agencies such as healthcare services and children's social care teams, and this will take time to gather. Barriers in understanding and communication between criminal justice and health and social care settings remain significant, although work is being done at national level by HMPPS[45] and at local level by many voluntary sector women's specialist services to try and improve this[46].

Women-specific court approaches

Government funding for new women's Intensive Supervision Courts (ISCs), drawing on learning from the women's problem-solving courts in Greater Manchester and the women's Intensive Supervision Court in Birmingham, is an important development. Although ISCs operate at the point of sentence, assessment in the community during the adjournment - and the presence of a credible community option - may increase sentencers' confidence to grant bail, and so could reduce the imprisonment of pregnant women and mothers in the first 1001 days.[47] The process includes completion of the Women's Risk and Needs Assessment (WRNA) by women's services during the adjournment, alongside the probation assessment, which identifies needs that gender-neutral assessments may miss.[48] The Westminster Specialist Domestic Abuse Court and Impact Project also provide important learning for specialist approaches to women as defendants.[49]

The right information at the right time continued

It is also essential to work towards ensuring women have access to gender-specific approaches everywhere in the country, from the point of arrest and throughout court proceedings. This will require effective multi-agency practice and 'in kind' and financial investment in local areas, but this would pay dividends in terms of reducing the cost of imprisonment and crisis in the community for women and their children.

Bristol Women's Specialist Court

The Bristol Women's Specialist Court was established in July 2026 to provide a practical solution to the difficulty of ensuring women-specific support is available in court at the point of need, and that everyone involved in the court process has a good understanding of the drivers of women's offending and what to look out for when making decisions on bail and sentencing. The court is located in the Magistrates' Court under a District Judge. A women-specific L&D officer is located in police custody suites. Women's cases are listed together at the court each Thursday. Women are usually bailed directly from police custody to the court. Where this cannot be done women appear in the mainstream court, listed into the court of a judge who also sits in the women's court, providing some continuity. Women in these cases are encouraged to access Nelson Trust for support.

Women-only probation teams and women's specialist services provided by Nelson Trust are present in court on the day and offer support to women going through court proceedings. This can include on the day reports, assessments and referrals. There is also a women's community hub space allocated in the court foyer, where women can access health information and support as well as providing a quiet space to talk to specialist services.

Concentrating women-specific resources in the court on one day should improve the information available to the court, the support available to women and the overall expertise of the court in decision-making around women, in relation to trial, bail and sentencing.

The right information at the right time continued

Bail applications from prison

For women who are remanded, sometimes because the right information was not available to the court at the first bail hearing, it is essential for bail applications to be made from custody. The Bail Information Service also operates in prisons to assist with this and ensure the correct information reaches the court this time. The Remand Hub at HMP Eastwood Park has been established to facilitate women's bail applications. The Hub's staff members meet women remanded to the prison within a day of their arrival and support them to engage with their solicitor and make a bail application. They engage with women's Community Offender Managers, supporting arrangements in the community ahead of time.

Bail conditions and electronic monitoring

Having the right information at the right time is also essential for the court to ensure any bail conditions are tailored to the woman's specific circumstances. However, participants raised concerns that this is not realistically available.

"We know that when you are looking at legal practitioners developing bail conditions for victims of domestic abuse, even though you can tailor them, they are standardised. The magistrates don't question it, the legal practitioners don't question it. We're going to get standardised questions that aren't tailored to those women anyway."
Family justice professional

Robson's research suggests migrant women are more likely to be subject to bail conditions than women with British citizenship and less able to meet them due to hostile environment measures.[50]

Ensuring bail conditions are safe and realistic is particularly important where curfews and electronic monitoring are concerned, and participants felt additional training would be useful on how electronic monitoring can be used effectively in pregnancy and early motherhood.

"I think the role of EM [electronic monitoring] is really important... I'm not sure [magistrates] are across how effectively that can be used as an alternative to sending someone to custody. There needs to be some more work on understanding how that can be used. The whole purpose of extending EM is to make sure we don't have to put people in prison as they wait for trial or sentence. It's an education issue about managing risk in community in more effective and new way."
Magistrate

The right information at the right time continued

Research by Women in Prison illustrates the gender-specific and trauma-informed approach that is needed in relation to the use of electronic monitoring for women.[51] Several women who took part in their research had been anxious about going to hospital for emergency healthcare while on a 'tag', in case they were registered as having been in breach of conditions. This raises particular risks for pregnant women who may need to attend hospital at short notice, for example if they are concerned about changes in foetal movement. Women in Prison cite one woman who described how wearing a tag during pregnancy increased her vulnerability to exploitation:[52]

> *"It highlighted that I was a vulnerable young woman who could be taken advantage of because I was clearly in trouble... I was pregnant when I was on tag and was tagged to an unsafe area."*

As Women in Prison point out, the Royal College of Midwives has recommended that '[w]omen who...are on home detention curfew (or tag) or are on a curfew as part of a community sentence should be able to have their tag removed or repositioned while in labour or earlier in pregnancy should this become uncomfortable or provide a barrier to receiving care' and, 'Probation services need to respond flexibly and take account of the specific needs of perinatal women'.[53]

The same concerns would arise equally in relation to women who are tagged while on bail. Clear guidance is needed from the MoJ and HMPPS about what happens after a bail decision is made. This must include greater clarity for women and the professionals around them about how bail conditions interact with healthcare needs, caring responsibilities, personal safety and changing personal circumstances. At a minimum, clear information should be provided to women before they leave court about how routine and emergency healthcare appointments fit within bail conditions, who to contact if circumstances change, and how to request a variation where necessary.

Suitable accommodation and support

Effective commissioning and sustainable funding of women's specialist services - including a mix of safe, supported accommodation

Women's specialist services

Pregnant women and mothers of infants aged under two are likely to need support from women's specialist services when facing a bail decision, with a focus on their needs in relation to the first 1001 days. Women's centres provide gender-specific, trauma-informed support to women with complex needs in a safe, women-only space.[54] This includes one-to-one emotional and practical help and advocacy to support women to access safe and suitable housing and to engage with other agencies such as health and social care services. Services like this are available in many parts of the country, but gaps in provision remain.

Women's centres are widely understood to be at the heart of solutions to supporting women in, or at risk of, contact with the criminal justice system.[55] However, there is a lack of adequate and sustained funding for them, resulting in gaps in different parts of the country and at different stages of the justice process. These gaps need to be closed if we are to see a reduction in women's imprisonment.[56]

Suitable accommodation

Women who cannot stay in their home during bail, or who are homeless, will also need a referral into suitable accommodation. A woman may not be able to stay in her home if, for example, she is accused of assaulting her partner. This can arise where women who are victim-survivors of domestic abuse face counter-allegations by their abuser. Many women in contact with the criminal justice system may be homeless or in unsafe or insecure accommodation. If suitable accommodation and support are not in place for these women, the risk of being remanded or of failing to navigate bail successfully is high. A criminal defence lawyer explained:

"If I can argue there is support available with a fixed address, I can argue against commission of further offences."

Suitable accommodation and support continued

There are acute shortages of suitable housing, and yet this is a prerequisite for women's stability and successful engagement with support services. A lack of suitable accommodation in the community and an absence of alternative placements, including in hospital, have been identified as contributing factors in custodial remands for women, suggesting that prison is being used inappropriately as a 'place of safety' when other options are unavailable.[57] This can include victim-survivors of trafficking and modern slavery without a safe address, who may be remanded in custody for their own protection.[58]

Local commissioners need to ensure there is a mix of suitable accommodation available to meet the needs of women locally, as well as making sure women's specialist services are sustainably funded to provide attached support where needed. This must include accommodation and services specifically targeted at women at risk of, or in, contact with the criminal justice system – including pregnant women and mothers of young infants.

Suitable accommodation provision can range from women-only shared or semi-shared accommodation with support onsite, to self-contained flats with floating support. What is key is that women's needs and concerns about where and how they are housed are taken into account to ensure their safety, providing a long-term, sustainable home for a woman and her children wherever possible.

CAS2 (Community Accommodation Service) provision, funded by HMPPS specifically for people who are granted bail without a suitable address, is an important part of accommodation options for women. However, CAS accommodation is subject to significant limitations which can include being located at a considerable distance from women's support networks.[59]

Women should not have to leave their support networks or have their contact with children living in care arrangements reduced because of housing processes or availability.

Suitable accommodation and support continued

Reflections from Hope Street

Hope Street is a residential community for justice-involved women and their children in Hampshire, led by the charity One Small Thing.[60] It provides community-based accommodation and specialist support in a gender-responsive and trauma informed environment.

Women can live with their children in the self-contained flats at the central hub, where they have access to a range of specialist support, before moving into supported move-on houses as they prepare to return to independent living and their own home. A team member at Hope Street reflects on the challenges involved in supporting pregnant women and mothers on bail:

"I have worked with women in the criminal justice system for more than 15 years, including in probation, approved premises and, more recently, at Hope Street...

"I've worked with women who have spent months, and sometimes years, on bail waiting for a decision about what will happen next. For mothers, that uncertainty can be overwhelming. Many are worried not just about themselves, but about who would look after their children if they were imprisoned...

"Reporting requirements may seem reasonable on paper, but often they don't take into account the reality of women's lives. Women can then find themselves in impossible situations, choosing between collecting their child from school, attending a police appointment, and worrying about breaching bail conditions because family circumstances change unexpectedly. Too often, the practical realities of motherhood are not factored into decisions...

"For pregnant women, these challenges can be even greater. Maternity appointments, scans and health checks are arranged by healthcare services and cannot always be moved. A more flexible approach can make a significant difference in these circumstances. Women should not have to choose between attending an important pregnancy appointment and worrying that they will be viewed as non-compliant."

Suitable accommodation and support continued

Challenges of navigating bail

Even where suitable accommodation and support are in place, the challenges for women navigating bail are significant. As a contributor to earlier research by Birth Companions explained:[61]

"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."

Contributors to our discussions also highlighted the impact of trauma, the experience of being under scrutiny, and the uncertainty and anxiety about ongoing proceedings.

"Women may be managing fear about the outcome of their case, upcoming hearings, potential prison sentence, and the practical implications of bail conditions. This can make it difficult to focus on settling into a new service or engaging with longer term support...

"For some women there is a significant risk of relapse into harmful substance use on release requiring specialist support."
Women's specialist service provider

Despite these challenges, receiving the right support in the community during the first 1001 days can be transformative for women in contact with the criminal justice system and their children.[62]

"The most successful outcomes I have seen for women on bail have come through coordinated, multi-agency support. When women receive that kind of joined-up support, the impact can be significant. I have seen mothers maintain stable accommodation, engage with support services, improve their mental health, comply with bail conditions and make positive progress in their relationships with their children. The larger interventions matter, but it is also the smaller things too that create consistency for women during their time on bail, like reminding a woman about an appointment, helping her navigate services, or ensuring agencies communicate with each other."
Women's specialist service provider

Suitable accommodation and support continued

Additional gaps in support for particular groups

Young women and Black, minoritised and migrant women face distinct barriers to support, which may contribute to the disproportionate use of remand for these groups.

Young women

Young women in, or at risk of, contact with the criminal justice system experience distinct circumstances that impact their needs (see Annex). Research by the Centre for Crime and Justice Studies reveals that young women continue to be remanded in cases that do not lead to a prison sentence. In such cases, remand is often used to manage unmet mental health or housing needs rather than to address risk.[63] Their findings also reveal that young Black women are more likely than other young women to receive a custodial sentence. The report asks what a more tailored approach to bail and remand would look like for young women, particularly from minoritised backgrounds.

Echoing these findings, some participants in our discussions felt that young women are more likely to be remanded for their own safety due to lack of alternative options in the community.

> *"We have a lack of safe spaces for young people and so remand is being used ineffectively and inappropriately for young women…for their own protection because we have gaps and deficits in our social care structure."*
>
> Women's specialist service provider

Suitable accommodation and support continued

Black, minoritised and migrant women

Black and minoritised women face additional barriers to accessing support and experience systemic racism from criminal justice agencies (see Annex).[64] Research by Refuge has found that the police are less likely to refer Black victim-survivors of domestic abuse to them for support.[65] Young Black, Asian and minoritised women face harsher treatment in the criminal justice system as well as other settings such as education.[66]

Migrant women are put at greater risk by 'hostile environment' policies, including the No Recourse to Public Funds condition and the lack of a firewall to prevent the police sharing information about domestic abuse victims' immigration status with immigration authorities, which inhibits victims' disclosure of abuse.[67] In research by Step Up Migrant Women and others, 62% of women said their domestic abuse perpetrator had threatened them with deportation if they reported the abuse.[68]

For migrant women whose first language is not English, institutional failures to overcome language barriers can have a direct impact on their experience of bail.

Suitable accommodation and support continued

Diversion and early and effective referrals into support

It is essential for frontline professionals to make early and effective referrals into available accommodation and support services. This requires practitioners to work together using a multi-agency, whole system approach, to reduce the risk of women's criminalisation and imprisonment. This includes the police, probation practitioners, criminal defence lawyers, judges and magistrates, as well as health, housing, social care and women's specialist services. As the WJB put it:[69]

> *"Reducing women's imprisonment through a whole system approach means taking every opportunity to refer women in, or at risk of, contact with the criminal justice system into community-based, women-specific support. This includes suitable temporary accommodation where needed and pathways into permanent housing and healthcare, particularly for harmful substance use and mental health needs. This requires strong 'buy in' from multiple local agencies, ideally under collective governance reporting into the Local Criminal Justice Board."*

The police – and support services located in police custody suites – play a particularly important role in diverting women away from the criminal justice process, avoiding police detention wherever possible and making early and effective referrals into support. The WJB has made recommendations for incentivising the police to increase diversion, and to hold them accountable for doing so.

The work to support women needs to start as early as possible and should include any period when women are under investigation as well as during bail. For women who go through the court process, early and effective referrals can help them demonstrate, at the point of bail decision-making, their ability to manage in the community, while ensuring that the court receives timely information about their needs, circumstances and available options for support.

Priorities for moving forward

In this report, we have identified three elements needed to make bail work for pregnant women and mothers of infants aged under two, as well as the critical need for all agencies to seize this opportunity to reduce remand for all women. We have discussed the underpinning work needed to achieve this and reduce women's imprisonment. Many of these goals will take time to achieve, as they require careful coordination between different services and systems. However, there are steps that can be taken now to initiate much-needed change.

Our recommendations are set out in full below:

Gender-informed, trauma-responsive and intersectional decision-making

- The Judicial College should establish mandatory training and awareness-raising for judges and magistrates on the first 1001 days with specific attention to bail, as well as gender-informed, trauma-responsive, intersectional approaches to bail decision-making for women more broadly.
- Police, prosecutors, probation practitioners and court staff must receive training on the first 1001 days specifically in relation to the bail changes.
- Professional bodies must facilitate awareness-raising for criminal defence lawyers on the first 1001 days and the bail changes, using resources such as the Level Up x Doughty Street Chambers Legal Toolkit.
- The government must incentivise and support the establishment of women-specific approaches in mainstream criminal justice proceedings everywhere, not only in Intensive Supervision Courts. Multi-agency models should be used to maximise diversion and ensure early and effective referrals into accommodation and support, including a focus on the importance of the first 1001 days and how to implement a gender-informed, trauma-responsive and intersectional approach in cases involving women defendants, particularly in relation to bail.
- MoJ and HMPPS must issue guidance on electronic monitoring for pregnant women and mothers in the first 1001 days. This must include guidance on how bail conditions interact with healthcare needs, caring responsibilities, personal safety and changing personal circumstances. Broader gender-specific guidance is also needed on the use of electronic monitoring for all women in contact with the criminal justice system, taking account of the distinct challenges and experiences they face.

Priorities for moving forward continued

The right information at the right time

- All agencies must ensure women have the information they need to participate in bail decision-making and successfully navigate bail. This must include ensuring that:
    - Women know about their right to have their pregnancy, motherhood and experience of domestic abuse taken into account when bail is being considered.
    - Women are supported to make informed decisions about disclosure. This must include ensuring they understand how information may be shared and what safeguarding responsibilities professionals hold, and ensuring women are supported where necessary to challenge or correct inaccurate information being presented about them.
    - Women and the professionals around them receive timely and accurate information about how bail conditions interact with pregnancy and other healthcare needs, caring responsibilities, personal safety and changing personal circumstances.
- Police must routinely ask women at the point of arrest about pregnancy, primary caring responsibilities and domestic abuse, and should receive training on supporting safe and informed disclosure, safeguarding and information sharing, and making appropriate onward referrals.
- The government must mandate impact assessments specific to the first 1001 days, to be completed when making bail decisions and setting conditions. These assessments should be informed by the 1001 days impact tool currently in development at the Birth Companions Institute.
- HMPPS must establish dedicated support for all remanded women in prison to improve wellbeing and facilitate well-informed bail applications, with a specific focus on the first 1001 days.

Priorities for moving forward continued

Suitable accommodation and support

- Central government and local commissioners must ensure that in every local area:
    - Women's specialist services are commissioned to support and advocate for women at the police station and in court, and women-specific Bail Information Officers are available in court as well as in prison.
    - Suitable accommodation is available for women before and at the point of bail decisions. This could include a targeted expansion of dedicated temporary CAS2 accommodation with attached women's specialist support.

Underpinning priorities

- The government must measure the impact of the bail changes for pregnant women, primary care givers and victim-survivors of domestic abuse and for women more generally – including a breakdown for protected characteristics and immigration status. This monitoring must include mechanisms for meaningful feedback from women with lived experience on challenges and potential solutions.
- The quality of bail decision-making should be improved and transparency and accountability increased. JUSTICE's recommendations should be implemented to support this, including increasing the diversity of magistrates, and providing structured guidance to promote lawful decision-making, better training and appraisals of decision-makers.[70]

And more broadly:

- The government must accept the WJB's recommendations and publish a cross-government strategy for reducing women's imprisonment and improving outcomes.
- The government must legislate to end imprisonment of pregnant women other than in the most exceptional circumstances.
- HMPPS must deliver a Probation Policy Framework on the first 1001 days.
- All agencies must embed understanding of the first 1001 days in the whole system approach to women in, or at risk of, contact with the criminal justice system.

Key resources and useful organisations

The Remand Collective

A unique collective of women with lived experience and seven organisations committed to ending the unnecessary, unjust, unsafe and unfair use of remand for women in England and Wales.
www.theremandcollective.org

National Women's Justice Coalition's Women's Services Map

The UK's first directory of services for women in contact with the criminal justice system:
www.womensservicesmap.com

Level Up x Doughty Street Chambers Legal Toolkit

A practical online resource equipping lawyers with the core legal arguments, tools and resources to effectively represent pregnant women and mothers of infants at all stages of the criminal justice process including bail, sentencing and appeals against sentence:
www.piptoolkit.squarespace.com

Birth Companions resources

Birth Companions (2020)
Your Inside Guide to Pregnancy, Birth and Motherhood in Prison: Information for pregnant women and mums of babies under two years

Birth Companions (2023)
Spotlight: Dual Contact – understanding the needs and experiences of women in contact with the criminal justice and children's social care systems during pregnancy and early motherhood

Birth Companions Institute (2026)
Spotlight: Pregnant women and mothers of infants under the age of two on probation supervision

Ministry of Justice and HM Prison and Probation Service resources

Information on pregnancy and childcare in prison:
www.gov.uk/life-in-prison/pregnancy-and-childcare-in-prison

MOJ and HMPPS (2021) Pregnancy, MBUs and Maternal Separation in Women's Prisons Policy Framework:
www.assets.publishing.service.gov.uk/media/695bd0a553866d6cdff21b22/2026_01_05_-_Pregnancy_Mother_and_Baby_Units__V3_.pdf

Annex – Women and remand in numbers

Women in prison

On 27 July 2026, there were 3,355 women in prison.[71] Women entered prison on 6,417 occasions in the year to September 2025 – either on remand or to serve a sentence – up 5% on the previous 12 months.[72]

HMPPS do not collect or publish data on mothers who are separated by imprisonment from children under the age of two. The number of women held on remand while pregnant or who have a child under the age of two is not recorded or reported. Annual statistics about pregnancy and birth have been produced since 2023;[73] see the HMPPS Female Offender Dashboard for the most up to date figures on the total number of pregnant women in prison.[74]

Women on remand

The number of women on remand grew by more than a fifth (22%) from 2024 to 2025.[75] On 30 June 2026 women on remand accounted for 23% of the women's prison population, while remanded men accounted for 18% of the men's prison population.[76]

Evidence suggests that some women in contact with the criminal justice system who are considered to be in mental health crisis are being remanded to prison 'for their own protection' or as a 'place of safety'; Independent Monitoring Boards (IMBs) have found the number of women held under these provisions has increased in some prisons.[77]

Further information about women in prison, including offence types, is available from Prison Reform Trust and Women in Prison.[78]

Young women and racial disproportionality

Rates of remand are particularly high amongst younger women: on 30 September 2024, 51% of 18–20 year-olds and 35% of 21-24 year olds in the women's estate were on remand, either unconvicted or awaiting sentence.[79] Younger women are also more likely than younger men to be remanded in custody at Crown court for offences for which they do not subsequently receive a custodial sentence.[80]

Remand is disproportionately used for non-white women. In 2023, the highest proportion of women remanded in custody of all women appearing at Magistrates' Court was across the other ethnic groups (17%), followed by the Black (16%), Asian (15%), mixed (14%), and white (11%) ethnic groups.[81]

Annex – Women and remand in numbers continued

At Crown Court, the highest proportion of women remanded in custody of all women appearing at the Crown Court was across the mixed ethnic group (45%), followed by the Black (39%), white (36%), Asian (33%), and other ethnic groups (29%).[82]

This disproportionality is more marked in relation to remand than for sentenced women. More than one in six (17%) of the sentenced women's prison population are recorded as Asian or Asian British, Black or Black British, Mixed or 'other ethnic group'. This increases to more than one in five (22%) of the remanded women's prison population.[83]

Migrant women

May Robson's research revealed that women without British citizenship were disproportionately likely to be remanded in custody compared to British women. Based on MoJ responses to Freedom of Information requests made by the Prison Reform Trust, Robson found that on average 16% of women admitted to prison on remand are foreign nationals, and that a higher proportion of these women were remanded for less serious offences than was the case for women with British citizenship.[84]

The harms of imprisonment for specific groups

Black and minoritised women

The risks and harms of imprisoning pregnant women and mothers intersect with the risks and harms experienced by Black and minoritised women in the criminal justice system,[85] as well as in maternity and neonatal care. There are stark inequalities in maternity and neonatal outcomes based on race, social deprivation and other factors including domestic abuse and severe and multiple disadvantages.[86] From 2022 to 2024, the maternal mortality rate was almost three times higher (2.7x) for Black women compared to white women, and the rate for Asian women was also comparatively higher (1.3x).[87] These risks are carried into, and likely to be compounded by, the prison environment.

> ***"The system does not work for Muslims.... We are discriminated on the colour of our skin, we get shunned because of our faith... We literally are the bottom of the barrel."***
> Muslim woman in prison ('Tackling Double Disadvantage 'One Year On' report[88])

Annex – Women and remand in numbers continued

Migrant women

The risks of imprisonment may be even greater for pregnant women with insecure immigration status, who face distinct barriers to reproductive justice. Confidential inquiries into maternal deaths repeatedly illustrate how intersecting and multiple disadvantage puts migrant women at higher risk of maternal mortality and morbidity.[89] Many migrant women are victim-survivors of trafficking and other forms of abuse and exploitation which intersect with their contact with the criminal justice system.[90]

Young women

Young women are 'a uniquely vulnerable group' in prison, with extremely high levels of sexual abuse, violence and exploitation, neglect, poverty and care experience, as well as mental ill health, harmful substance use and homelessness.[91]

In 2020, 1 in 4 births in England and Wales were to young people aged 16-24. Evidence shows that young mothers aged 25 years and under are at increased risk of experiencing mental illness during pregnancy and after birth compared to those over 25, with postnatal depression in particular up to twice as prevalent in teenage mothers compared to those over 20.[92]

Use of remand for the defendant's own protection on mental health grounds particularly impacts young women, who are more likely than young men in the criminal justice system to present with mental health needs.[93]

Violence, abuse and exploitation experienced by young women aged 17–25 in contact with the criminal justice system is often overlooked.[94]

Victim-survivors of domestic abuse

Nearly 7 in 10 women in prison in England and Wales report experience of domestic abuse.[95] For many this is directly linked to their offending.[96] Recent research concluded that acquired brain injury from domestic abuse affects the majority of justice-involved women.[97] Around 30% of domestic abuse cases begin during pregnancy, with about 40% of abused pregnant women reporting head and neck injuries; the risk remains high after the baby is born up to age two.[98]

Research by Centre for Women's Justice and others has found that women's experience of abuse tends not to be properly taken into account when they are themselves accused of offending.[99] Women are frequently not identified as victims until they are in prison. For victim-survivors who are mothers, the harms caused by inappropriate criminalisation and imprisonment are particularly severe and far-reaching.

Appendix

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10 In this report wherever possible we use the term 'migrant', which is usually preferred in the women's justice sector, to signify those without British citizenship. This may include people who have lived in the UK long term, in some cases since childhood, but who do not have citizenship. We sometimes use the alternative term 'foreign national', which is commonly used in government policy, research and data collection, to aid clarity when referring to research and data analysis which has adopted this term.
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18 University of Hertfordshire (2025) The Lost Mothers Project: Maternal Separation in English Prisons - Project Report; Prison Reform Trust (2018) What About Me? The impact on children when mothers are involved in the criminal justice system
19 Sentencing Council Guideline – Imposition of community and custodial sentences, last updated October 2026
20 Crown Prosecution Service: Prosecutors' Guidance - Bail (last updated 22 March 2026). Exceptions include any history of offending while on bail, any factors that might increase the risk of the defendant failing to surrender to the court and any factors that might affect the defendant's ability to comply with bail, amongst others. The court must also take into account various factors including the defendant's character, associations and community ties.
21 For further information on the remand process, see the Remand Collective website: https://theremandcollective.org/
22 JUSTICE press release, 11 November 2025, 'Experts urge the government to stop imprisoning people for their own protection'
23 Howard League for Penal Reform (2020) Reset: rethinking remand for women
24 Mental Health Act 2025, s.49 (prospective; commencement by regulations under s.56(3)). Prisoners on Remand: Health – Question for Ministry of Justice by Sarah Green MP, tabled 18 December 2025 - Written answer by Jake Richards MP, 5 January 2026.
25 Schedule 1, Part 1, paragraph 1A of the Bail Act 1976, as amended by Section 44(8)(a) of the Sentencing Act 2026
26 Section 1 of the Sentencing Act 2026 introduced a new presumption that all custodial sentences of 12 months or less must be suspended unless exceptional circumstances apply. This should make the prospect of an immediate custodial sentence much less likely for lower level offending, thereby affecting the application of the 'no real prospect' test in bail decision-making.
27 Schedule 1, Part 1, paragraph 9 of the Bail Act 1976, as amended by Section 44(8)(b) of the Sentencing Act 2026
28 Section 3AAB, Bail Act 1976, inserted by Section 44(4), Sentencing Act 2026. Previously, the Bail Act 1976 provided that electronic monitoring could only be imposed on an adult defendant where the court was satisfied that without the requirement the person would not be granted bail. See also: MoJ (2026) Circular No 2026/01: Bail Act 1976: Amendments to the bail framework by the Sentencing Act 2026 – published 19 March 2026

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32 For more information, see for example: Durr, P. (2020) Trauma-informed work with people in the criminal justice system
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40 JUSTICE (2023) Remand Decision-Making in the Magistrates' Court: A Research Report
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Appendix continued

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The birth companions Institute