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Supporting incarcerated mothers in Ireland with their familial relationships; a case for the revival of the social work role

Abstract

All families need both formal and informal supports throughout their life course. Parents relationships with their children need to be promoted, supported and maintained. For parents living with their children and acting as their primary carer this role, while fulfilling is filled with challenges. At particular points in time and for a variety of reasons parents to be supported in carrying out this role striving towards healthy family functioning. For parents where there are additional stressors associated with their relationship with their children the impact of this can be significant and far reaching for all involved. Incarcerated mothers and their children face particular difficulties in maintaining their relationships and for mothers to 'perform' a mothering role. Throughout the stages of childhood, family breakdown and separation from their mother is a traumatic experience for children. This paper considers the current provision within the Irish Prison System for supporting incarcerated mothers in their efforts to maintain relationships with their children and wider family members and highlights the deficits within this. This paper argues the case for reviving the role of supportive social work practitioners to work alongside incarcerated mothers in an effort to retain and realise their parental rights and duties and to maintain relationships with their children.

Introduction

The very nature of imprisonment is containment and loss of liberty, but this does not strip people of their basic rights (Herrick, 2009; ICCL/IPS, 2012). Incarcerated mothers in the majority of instances therefore retain their parental rights, her children retain their rights and the family unit retains its right to a family life. This paper considers if these rights are realised in practice. In Ireland, this task is primarily managed by national legislation and policy and is influenced by European and International human rights and best practice treaties. In 2014, the Irish Government acknowledged the need for gender specific responses to female offenders which resulted in the recent debates on non-custodial sentences being enforced. However, there are significant gaps in supportive services for mothers and children affected by incarceration due to the lack of a social work role within the Irish Prison System. This paper explores the

needs of incarcerated mothers in Ireland with regard to their familial relationships and the need for a supportive practitioner role within the prison system.

Mothers, their Children and Imprisonment

The Irish Constitution (1937), a fundamental instrument for the protection of rights and the basis for all legislation outlines the family in Article 41.1 as one of the most significant and protected institutions and highlights its role as a key influence and provider of welfare. Within this is a recognition of a woman's life and role within the home and that a mother is not obliged to work outside of the home for fear of neglecting such duties, thus providing an ideological representation of Irish motherhood. In cases where parents fail in parental duties Article 42 provides that the State will then consume this role (O'Malley, 2013; Baldwin, O'Malley & Galway, 2015; Mangan-Ryan, 2014). Furthermore, the right to family life as outlined in Article 8 of the European Convention of Human Rights (ECHR, 2010) remains protected for prisoners. Donson & Parkes (2012) highlight how the European Court on Human Rights has ruled on many occasions the right to family is a key provision to prisoner visitation rights, obligating States to assist prisoners in maintaining contact with their families. While Article 8 applies to adults and children alike, cases are predominately considered from a prisoner rights perspective and the rights of the child to family life and visitation are rarely considered (Ibid). In response children's rights (UNCRC, 1989) discourse relating to the incarceration of a primary carer, which is a mother in the vast majority of cases, has become very topical.

Martyn (2012) and Mangan-Ryan (2014) highlight children's 'right to regular contact' in order to 'maintain personal relations and direct contact with parents on a regular basis' (Article 9, UNCRC), as a supportive argument for child-to-parent prison visitation arrangements. Furthermore, the 'best interest principle' (Article 3) and 'the right of the child to express his or her own views in matters affecting them' (Article 12) are equally paramount in ensuring visits occur as appropriate, are not detrimental to the welfare of the child, or are against the child's personal wishes. Ensuring such rights also promotes and supports visitation where they may not have otherwise happened. Indeed, Donson & Parkes (2012) draw attention to the Courts obligation to consider the 'best interest principle' (Article 3) to facilitate the child's right 'to express their views' and give such views paramount consideration (Article 12) among other rights, during the sentencing process considering the substantial instant and long-term impact of parental incarceration (particularly of imprisoned mothers) on dependent children (Baldwin, 2015; Minson, 2015).

Ryan-Mangan (2014) delve deeper into Article 3 (UNCRC), the ‘best interest principle’, which incorporates that children ‘should be afforded ‘such protection and care as is necessary for his or her well-being’’ (p.9) and further substantiates this position with various other European and national legislation and policy, in particular the *Child Care Act (1991)* and *Children First: National Guidance for the Protection and Welfare of Children (DYCA, 2011)* (discussed further below). Marytn (2012) and Ryan-Mangan (2014) refer to the ‘non-discrimination principle’ (Article 2, UNCRC) asserting children of prisoners have the right not to be discriminated against on the basis of their parent’s activities.

What is not really explored in any depth, even though it is one of the four principles of the UNCRC, is the child’s right to life, survival and of particular focus here, ‘development’ (Article 6). The UNCRC recognises that for a child to reach the ‘full and harmonious development’ of their personality, they ‘should grow up in a family environment, in an atmosphere of happiness, love and understanding’ (p. 5). ‘Parental responsibilities’ (Article 18) stipulates the parent’s responsibility for the ‘upbringing and development of the child’, obligating State Parties to develop institutions, facilities and services to assist parents and legal guardians in these responsibilities; it from this child’s right framework in addition to the aforementioned arguments, that a case for the social work role in prison is outlined below.

Furthermore, the current National Policy Framework for children and young people, ‘Better Outcomes Brighter Futures (2014 -2020)’ highlights five national outcomes for all children and young people in Ireland to achieve (DCYA, 2014, p.xiv). In an effort to ensure that these outcomes are achieved the framework identifies underpinning goals which include supporting parents, listening to children and young people, intervening early when there are difficulties and preventing difficulties arising in the first instance (p. 24). The policy document champions a family oriented approach to meeting children’s needs with an acknowledgement of the diversity of children’s experiences and a need to achieve greater social inclusion. It specifically highlights the need to ensure adequate access by children to an imprisoned parent, in a child friendly setting and affirms a statutory commitment to this (p.82).

Context

In 2014, there were 13,408 persons sent to prison (a 2.7% increase from 2013), of those 19.1% were female (compared to 17.8% in 2013) (IPS, 2013a, p.1; IPS, 2014, p.1). The percentage of women being sent

to prison has continued to rise. Between 2001 and 2014 female committals increased more than 177% from 923 to 2,561 (IPS, 2008, p. 17; IPS, 2014). In Ireland, imprisonment is used more than community based sanctions at a rate of two to one. This is not the case elsewhere; in Northern Ireland for example the use of imprisonment compared to community sanction is practically on par (Carr, 2016). In reality there could be many reasons for this as Judges are awarded vast discretion in the Irish judicial system, certainly Riordan (2009) did find Judges do not consider community sanctions equal to that of a custodial sentence (in O'Hara & Rogan, 2015, p. 27-28). In 2014, while women accounted for nearly one fifth of the total committals into Irish prisons the average number incarcerated on any one day was 150 (IPS, 2014). Women account for 3.8% of the entire prison population, slightly lower than the European average of 4.5-5% (Reilly, 2011, p. 4). Ireland is the fourth highest in Europe in the rate it sends people to prison, and is the second highest in Europe in the rate it releases people from prison (O'Keeffe, 2013). Also of note is the reason for committal, for example, in 2009 82% of female committals were for non-violent crimes (IPRT, 2011, p. 4).

Two out of the 14 prisons in Ireland accommodate women; Limerick Female Prison and the Dóchas Centre in Dublin. Limerick Female Prison is a separate wing within the main Limerick prison campus and has a capacity of 24; on the 31st December 2015 there were 29 female prisoners in the system (IPS, 2015). The Dóchas Centre is the only dedicated female prison population in Ireland with a bed capacity of 105 but accommodates an approximate daily average of 123 women (IPS, 2014). The female prisons are the most overcrowded in the country continually operating near or above full capacity (Department of Justice and Equality, 2014). While the male prisoner population is decreasing, the women's is on the increase and for reasons unknown there is a higher proportion of female remand prisoners (Ibid, p. 65) inevitably contributing to overcrowding conditions. The Dóchas Centre is the only prison in the country to accommodate babies (Martyn, 2012). There is a dedicated mother and baby unit and all required equipment and support is made available there (O'Malley and Devaney, 2015). However, this unit is located within the general prison campus therefore mothers and babies move freely among the general female prison population, some of whom have been committed of crimes against children thus posing serious child protection concerns (O'Keeffe, 2011). The Probation Service in Ireland is a public sector, civil service agency of the Department of Justice and Law Reform; separate to the Irish Prison Service although both Prisons and Probation are under the direction of the Prisons-Probation Policy Division of the Department of Justice and Law Reform (Geiran, 2012). The Probation Service is a single national agency, with community based offices, as well as in all fourteen prisons. In 2005, 'welfare' was dropped from the name of the agency in order to provide greater clarity and understanding regarding its core

business. Currently, the probation services work in the main with prisoners who will be under their supervision when they leave prison. The role of probation involves advising and assisting prisoners with issues which have led to their offending behaviour and principally in coping with the impact of imprisonment. There is a strong focus on reducing reoffending and assisting with their resettlement within the community (Geiran, 2012).

Maintaining family relationships

The view that parents and family are the most important people in children's lives and a fundamental influence on their overall wellbeing is widely accepted (Featherstone, 2004; Lalor et al., 2007; Sheppard, 2009; Munro, 2011). As Sheppard points out, the importance of parents to child development is sufficiently obvious that it is practically axiomatic (2009, p.1427). Expanding on this point, Connolly (2004) suggests that good outcomes are achieved through positive parenting, a stable environment, a stable family life, strong family and kin relationships, community involvement and supportive networks (p.1). The welfare of a child depends on the capacity of the family to meet those needs, and a large body of research highlights the role of parents and family in promoting children's healthy development and well-being into adulthood (Fahlberg, 1981; Jack, 2000; Families Matter, 2009; Munro, 2011).

However, in certain circumstances and for a myriad of reasons, some families' capacity to provide for, and care for their children can be reduced or compromised, and as a result they require support and assistance in carrying out this fundamental function. Where a family unit temporarily breaks down or a parent is unable to care for her children the need to support parents in the rearing of their children is well documented (Gardner, 2003; Families Matter, 2009). For children of incarcerated mothers there is an obvious need to support children in efforts to understand their situation and to support and encourage the mother-child relationship.

Mothers' separated from their children through imprisonment can avail of various provisions within *Prison Rules* (2007) to facilitate communication and contact. The context within which any person including a child visits the prison is outlined in Section 36 of the Rules. Unless otherwise directed by the Prison Governor, all visits are supervised within view and hearing of a prison officer, no articles are to be exchanged between visitor and prisoner and all visits are to take place in a designated area within the

prison. Prison facilities provide visits whereby prisoner and visitor can talk and see each other, but not touch (i.e. screened visits). Physical contact is only permitted in cases where the Governor is satisfied smuggling of prohibited items is not taking place. Entry is permitted at the Governor's discretion and visitors must produce photo identification, proof of address and consent to being searched both before and after their visits. If a visitor is refused entry they must leave the prison grounds, and refusal to do so can result in involvement of the Garda Síochána (the Irish police force). If a visitor is refused entry the prisoner is not entitled to a compensational visit. This legislation is applicable to children visitors (Prison Rules, 2007, Section 36)

Contact other than on-site visitation is also facilitated. Section 46 of the Prison Rules affirms that non-convicted prisoners are entitled to a minimum of five telephone calls per week, while convicted prisoners are entitled to one telephone call per week. However, in cases where a visit to a foreign national or from a legal advisor cannot take place an additional telephone call can be facilitated (all national and international telephone calls remain free of charge within the prison system (Mallon, 2012). According to Section 44, prisoners can receive an unlimited amount of letters, however the cost of postage and writing materials in excess of seven letters in one week may be charged to the prisoner. Section 42 of *Prison Rules* (2007) outlines the possible use of video links in situations where visitation is impractical. However if such a device does not already exist the Minister of Justice is not obligated to install it, and the cost of the service is incurred by the prisoner while its regulation remains at the Governor's discretion.

However, in reality much more visitation, contact arrangements and facilities are provided for within the prison campus and through 'access out' family visits for mothers attempting to maintain contact with their children (O'Malley and Devaney, 2015). It must be noted though that all advancements for children and families which operate within a prison is subject to the practicing Governor in that prison at that time. Consequently, what is available in one prison may not be available in another. Gender specific initiatives for women at the Dóchas Centre, being the only female concentrated prison population, is progressive in providing for facilities for women and their children (Ibid). However, women in Limerick who are consumed by a male orientation and majority population do not receive the same support in this regard. Reasons for this include that the prison is managed by men for men, with a relatively small focus on the needs of the minority female population, indeed the structure of the building does not facilitate babies or children staying with their mother (Judge Reilly, 2011a; Judge Reilly, 2011b). Limerick prison does have a family room used for visits under particular circumstances (O'Malley, 2013), other than this Limerick

prison provides mixed gender visitation; they cannot segregate male and female prisoners for purposes of 'normal' visits with family and loved ones. There is an approved plan to build a new prison facility in Limerick which will have a dedicated females section (Department of Justice and Equality, 2015). This is long overdue since the section of the prison where women are held in Limerick has been widely criticised; the Inspector of Prisons Judge Michael Reilly declared, 'Limerick Prison cannot, at present, be said to comply with best international practice. Certain areas of the prison are not fit for purpose. It is questionable as to whether the prison provides a safe environment for staff to work in' (2011b, p 7). It has also been condemned by The Committee for Prevention of Torture and Inhuman or Degrading Treatment and the Director General of the Irish Prison Service admittedly stated they would close it only that the women in question have stated their preference to be incarcerated near their families (Quinlan, 2011, p. 64).

Regardless of facilities and the physical construction of any prison in Ireland, the Governor of each prison hold particular discretionary powers in the management of the prison under their rule. Certainly, a change of governance embraces change in policy and practice. Such advances for women can easily be reverted back to the basic minimum standard as outlined above within *Prison Rules* (2007). Therefore, while it would appear reasonable to provide proper visitation and support services for prisoners and families and research advocates for a development on those already provided, anything additional to that provided for in *Prison Rules* (2007) is in fact classed as a 'privilege' and not a right, and can be stripped back by the appointment of a new governor encompassing hardened punitive ideologies on penal reform or for an individual prisoner within particular circumstances.

The Immerging Shift in Policy and Practice

In-depth discussion on the need for radical change in managing women engaged in the criminal justice system has taken shape over the past decade. A key feature of this discussion has been the call for an alternative to prison for women who offend (see: Irish Penal Reform Trust position paper, *Women in the Criminal Justice System: Towards a non-custodial approach* (Costello, 2013). Non-custodial sentences for women offenders in Ireland was first suggested by the government of the time in the *Report of the Committee of Inquiry into the Penal System* (1985), known as the 'Whitaker Report'. The Report stressed the ineffective and costly nature of incarceration. A follow up to this Report; *the Whitaker Committee Report 20 Years On: Lessons Learned or Lessons Forgotten?* (IPRT/KHF, 2007) highlighted how calls for reform, in the most part and in particular to non-custodial options for women, had been ignored.

However, at a European level developments had continued. Pertinent to this paper is the newly dedicated section on women prisoners in *European Prison Rules* (Council of Europe, 2006) paying particular attention to women's needs and their histories of abuse (34.1-2), babies in prison (36.1-3) and mental ill-health. In 2007, the renowned *Corston Report* (2007) published in the UK, recommended that women who are primary carers of young children should be remanded in custody only after consideration of a probation report on the probable impact of their incarceration on the children. Donson (2016) advances this point by proposing the use of child impact statements in the Irish Criminal Justice System in order to systematically consider the impact of a prison sentence on the child. In 2011, The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ('the Bangkok Rules') was introduced (United Nations, 2010) and further cemented principles outlined in the Corston Report. This development has not been met without some counter-argument. For example, Conservative MP Mr Philip Davis, recently argued that to achieve real equality in fact more women should be sent to prison. His argument hinged on the crime committed, and did not account for aggravating or mitigating factors, the fact that prisons for the most part were not built with women in mind, nor did it consider the rights of the child (Stone, 2015).

The ongoing debate that custodial sentences must be reserved only for women convicted of serious and violent offenders is based on a number of points; woman's distinct needs are neglected within the male oriented prison system, for the vast majority the nature and range of offences pose little risk to the public, and the collateral damage experienced by children when a mother is incarcerated as opposed to a father raises genuine mitigating factors and children's rights concerns (IPS/PS, 2014, p. 4; Baldwin, 2015; Minson, 2015; Minson, 2014; Donson & Parkes, 2012; Donson, 2016). This debate has merit. Supporting women and families through community based alternatives as opposed to disrupting attachments through incarceration is proven to reduce recidivism (O'Neill, 2011; Kubiak, Kasiborski, & Schmittel, 2010). In Ireland, the average annual cost of supervising a Probation Order is €5,000 compared to a colossal €65,542 per prisoner (Probation Service, 2014, p. 37), and community sanctions serve to alleviate the severe overcrowding issue (O'Hara & Rogan, 2015; Carr, 2016), particularly in female prisons. The Inspector of Prisons, Judge Michael Reilly, declared that overcrowding is the 'single greatest problem' inside the Dochas Centre (*original emphasis*, Reilly, 2013, p. 6). Ireland's only prison based female 'step down' facility (accommodation within the prison campus mirroring that of an apartment in the community for women nearing the end of their sentence) was forfeited due to overcrowding conditions (Ibid). The building of more prisons was not recommended with a suggestion that this complex matter requires a multiagency

(statutory and non-statutory) approach to address issues such as ‘homelessness and the lack of diversionary options’ (ibid, p.7). Irish courts have been specifically criticized for their over-use of short-term sentences for women which do not reduce recidivism; In 2012, 83% of women were sentenced for less than three months (Reilly, 2013 p. 10), compared to an EU average of 10 months (O’Keeffe, 2012), 57% of these women will re-offend (IPS, 2013b; Martynowicz & Quigley, 2010). Judge Reilly’s Report highlighted how short sentences and early release feeds into the re-entry cycle as women leave prison without being able to properly immerse in prison based rehabilitative programmes and face accommodation issues. All this provides a strong argument that incarceration is in most cases ineffective and costly, and supports a common-sense position in favour of community sanctions instead.

In 2014, the *Joint Probation Service – Irish Prison Service Strategy 2014-2016: An Effective Response to Women Who Offend* (hereafter the *Women’s Strategy*) was published. The *Women’s Strategy* is highly commendable, although nearly 30 years post the *Whitaker Report*, it remains the very first attempt by the Irish Government to identify and develop a gender informed response to the specific issues faced by women offenders in custody and in the community. The aim of the *Women’s Strategy* is to rehabilitate, achieve safer communities, reduce offending, reduce custodial sentences and have fewer victims. The Strategy puts forward four Strategic Actions in achieving its aim:

- 1) ‘A gendered informed approach’, achieved by fostering evidence-led policy development and service delivery, including the development of a step down/open centre;
- 2) ‘Connecting the dots’, focuses on challenging intergenerational offending and the impact of the imprisonment of a women on her family and children through a holistic approach delivered through multi-agency coordination both in prison and the community;
- 3) ‘Female centered options’, achieved by building on initiatives in the community;
- 4) ‘Working better together’, focused on raising awareness in the benefits of community based alternatives to custody.

The *Women’s Strategy* was commended by the *Strategic Review of Penal Policy* which welcomed the new female-centric approach, it’s commitment to a new step down facility and its overall approach to support gender specific community based alternatives to custody (Department of Justice and Equality, 2014, p. 66-74). The Review also recognised the complexities and vulnerabilities of the female prisoner population and acknowledge that female offenders are more likely to be primary caregivers to children or a dependent relative, and have higher levels of mental ill-health, addiction and homelessness issues

compared to their male counterparts (Ibid, p. 66). Particularly noted is the effect on children who are 'deprived the company and guardianship of a mother' (Ibid, p. 67) and the need to support and promote familial contact between offender and their family (Ibid, p. 73).

In direct response to the *Women's Strategy* Abigail Women's Centre was opened (IPR/PS, 2014). The Abigail Women's Centre provides the only gender specific residential service for women leaving prison and on 'Temporary Release'. Through the Centre the Probation Service, alongside other community based agencies provide individually tailored support and services for each woman (Probation Service, 2014). This non-custodial approach attempts to address the substantial loss of home and family relationships, and custody of children when a women is imprisoned, minimises the negative impact of a mother's offending on her children, and reduces the likelihood of their children eventually engaging in criminal activity. The Centre does not accommodate children. Ashleigh House, part of the Coolmine Therapeutic Community Dublin fills this gap but only for people seeking drug rehabilitation; this is the only service of its kind nationwide accommodating children 'in-house' alongside their mothers. While Coolmine is not a probation service, the project does work in collaboration with probation and prison based probation with referrals of women, mothers and expectant mothers who request supportive drug treatment (Baldwin, O'Malley & Galway, 2015).

A case for social work to fill the 'welfare gap' in prison based probation services

Over the last 30 years, prison based probation service has developed a strong professional identity within the criminal justice system (Cotter & Halton, 2015, p. 184) and there are clear efforts by the Irish Prison System and probation to work alongside other criminal justice service providers. The traditional social work ethos upon which the probation and welfare service was founded has been somewhat sacrificed; indeed the term 'welfare' in the probation and welfare service has been dropped; The Probation Service is now the official title for the service (Probation, 2007). When one considers that social work values such as help, welfare and care are difficult to measure, evidenced based practice and value for money is prioritised and quantifiable risk assessment instruments now permeate practice (Cotter and Halton, 2015, p. 182). This shift from welfare and care to risk and control has meant a reduction in a probation officer's discretionary time involved in supportive direct work with offenders (Probation Service, 2007; Cotter and Halton, 2015). The creation of an effective working relationship between the parent and the practitioner is a critical ingredient in effectively supporting mothers and children (Baldwin, 2015; Munford and

Sanders, 2003). The relationship is where the work takes place, and where change can be attempted, and the helping alliance which is forged is critical in the change process (Ibid, 2006). Research has indicated that parents appreciate a relationship with workers which is based on honesty and kindness, and where they are prepared to go the 'extra mile' for them (Mc Curdy and Jones, 2000; Dale, 2004; Munro, 2011).

According to Sections 108/9 of *Prison Rules* (2007), Probation and Welfare officers in prisons must work within a multi-disciplinary and interdisciplinary framework to address offending, adjusting to prison life, preparation for release and maintaining family and community ties. This includes working collaboratively with the prisoner's family and their social support networks to assist re-integration and family life. Research on the practitioner perspective of working with mothers in prison, confirms that prison probation officers spend a lot of time liaising with social work and community based agencies in their work with incarcerated mothers separated from their children (O'Malley and Devaney, 2015, p.9) but this is an additional task for non-statutory cases (cases where prisoners are not subjected to a post-release Supervision Order by the Court). As in the delivery of any human service there is an increasing recognition of the importance attached to the style practitioners adopt in their day -to-day interactions with mothers and their children. Engaging effectively with mothers in relation to their children's needs requires skilled and competent staff (Baldwin, 2015). As Connolly (2004) notes, a constructive relationship with a parent involves an attitude of respect, an understanding of their point of view, and the ability to establish common ground on which to base an intervention plan which accommodates the needs of the parent as well as the child (p.78). Munro (2011) argues that skills in forming relationships, the use of intuitive reasoning and emotions, along with knowledge on theories and empirical research are equally important components of effective practice.

Section 109 of *Prison Rules* (2007) clearly provides the entitlement of probation and welfare services to 'all prisoners', although in reality around 60% of female prisoners do not receive this service. As of the 1st September 2010 service reform means that probation only manage statutory cases within the prison system (The Probation Service, no date). In 2013 there were 2,326 female committals into prison of which only 978 received a Probation Intervention (Department of Justice and Equality, 2014, p. 64). Therefore, not all female prisoners receive probation services, and this is where the lack of 'welfare' and gaps in service provision become apparent with a concern that women and mothers presenting with complex needs within the criminal justice system are not getting the supports they need. Research does highlight that in the absence of clear policy for supporting the mother child relationship, the 'good will' of

practitioners cannot be underestimated. Nonetheless, a female prisoner in the Dóchas Centre summarises their experience; 'We have a probation officer here but the service is 'snowed under' with court reports, community return etc. They cannot support us 100 per cent when it comes to our children' ('Gaby', 2015).

The case for social work within the female prison system is important for supporting and advocating for the rights and needs of incarcerated women, and recognises that many women in prison are mothers and babies often reside alongside their mothers in the prison until, and in accordance with Prison Rules (2007), they reach their first birthday (Section 17). The majority of children of imprisoned mothers are older than one and are separated from their mothers, and many are in State care. Under the Child and Family Agency Act (2013), Tusla is the child and family agency in Ireland within which social workers provide frontline services to children and families (Tusla, 2014). Tusla and IPS do collaborate to support the mother - child relationship but this is on a case by case basis and only if the social worker makes themselves known to the prison (O'Malley and Devaney, 2015).

As previously mentioned, the welfare aspect to probation practice can clearly be associated with its social work origins, indeed most probation officers are professionally qualified social workers (PS, 2007). In an attempt to maintain the welfare premise within practice, although it could be argued from the periphery, the Criminal Justice (Community Sanctions) Bill 2014 recommends all probation officers register with the Social Work Registration Board. However, in a time when probation is guided by managerialism, and prison based practice has been curtailed to only pursue direct work with statutory cases, social work which 'utilises theories of human behaviour and social systems' (IFSW, 2012) is not widely practiced. *European Prison Rules* provides guidelines for best practice in the treatment of prisoners and prison management (Council of Europe, 2006). While not legally binding most European States do take due account of the Rules and Ireland is no different in this regard (see IPS, 2013a, p. 8). European Prison Rules (2006) assert the need for the specialised support of social and welfare workers (Council of Europe, 2014, Part V, 89.1) however unfortunately there remains no social workers employed within the Irish Prison System (O'Malley and Devaney, 2015). 'Gaby', an Irish female prisoner, put forward an 8 point urgent reform plan which includes an appeal for access to an on-site social worker among other requests to support prisoners in relation to family issues. The social work role within the prison system is highlighted as a necessity by incarcerated mothers (O'Malley, 2013; 2015)

Penal policy developments advocate the beneficial outcomes of maintaining and restoring family relationships between prisoners and their families, particularly between mother and child. The Child Care Act (1991) provides the legislative framework for the social work profession and for the protection and welfare of children. Within this the welfare of the child remains primary consideration but parental rights must also be considered. The Act outlines the conditions under which alternative care is provided by the State and parental access to the child thereafter, in which reasonable access will be facilitated unless to do so is in contrary to the safeguarding or promotion of the child's welfare. On-site social work would provide this role for incarcerated women and their children. The social work role would provide services such as; directly supporting mothers who keep her baby in prison while attempting to manage their own complex needs; the transition of babies from prison into the community and the aftermath of separation, possible loss and/or access visits; seeking the child's voice and direct opinions on the level and nature of contact they wish to have with their mother and communicating and negotiating this between interested parties; overall child protection management of babies in prison and their contact with the outside world; encouraging and supporting co-parenting and access with family during the sentence; and overseeing the release of mothers and babies into a safe environment in the community. Enright *et al.* (2007) noted how social workers previously employed in the Dóchas Centre provided parenting courses, assisted in the discharge process of babies, and supervised overnight visiting arrangements. The study also revealed that there are no formal links established between this social work service and community care services. The research recommended the prerequisite links with community care be recognised for the planning stages of discharging babies to ensure safe environments in the community (Enright *et al.* 2007). The *Inspector for Prisons Standards for the Inspection of Prisons in Ireland – Women Prisoner's Supplement* (Judge Reilly, 2011) states; 'a clear and comprehensive child protection policy shall be in place in all women's prison where mothers and babies are accommodated' (p. 11), while there has been Children First National Guidelines and other gender specific training initiatives within the prison service, child protection policy and practice remains loose at best (O'Malley and Devaney, 2015).

Pertinent to this research area is the newly dedicated section on women prisoners in *European Prison Rules* (Council of Europe, 2006) which directs authorities to pay particular attention to women's needs in relation to their detention and their histories of abuse (34.1; 34.2). Also, noteworthy is the dedicated section on mental health. Social work, trained in counselling and State agents for child protection and adult retrospective disclosure are the right profession to respond to this need. The dedicated section on infant's states that in cases where a baby can remain with their mother special accommodation should be

set aside and there must be a nursery and trained staff to care for the infant while the parent participates in other activities (36.1; 36.2; 36.3). There is no crèche or professionally trained childcare worker available in the Irish Prison Service and mothers must consume a fulltime parental role unless co-parenting with a father, grandparent or supportive relative on the outside if possible.

Conclusion

To conclude, the loss of liberty is a sufficient punishment for those sentenced to prison for committing a crime. Furthermore, being found guilty of a crime does is not synonymous with being a bad parent Indeed, as Boswell and Wedge (2002) note there is no good reason to equate offending behavior with bad parenting' (in Mangan-Ryan, 2014, p. 15). Social work, based on principles of human rights and social justice and mandated by law for the protection and welfare of children should have a clear presence within the Irish Prison Service. The potential in forming strong helping relationships with mothers, while at the same time carefully and effectively meeting the needs of children requires recognition and understanding (Baldwin, 2015). As highlighted by Stevenson (2007), the general theme of partnership with parents is 'wholly admirable' in its desire to work with, rather than against parents, and to reduce the imbalance of power between parents and professionals. Currently, the probation service plays an important statutory role but only provides interventions for prisoners subject to a post-release Supervision Order. A supportive social work role within the prison based probation service would complement and add value to the current provision. There is a clear need for such support within the prison service to work with mothers, their children and their families to maintain relationships while in prison with an eye to successful reunification post incarceration. The implications of providing this type of intervention are far reaching. This paper argues at an overall level that support to promote and enhance the relationship between incarcerated mothers and their children should form an integral part of their prison experience.

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