

# Maternal Sentencing

## Keeping mother and child in mind

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# What should be kept in mind?

- The impacts of maternal imprisonment are life long and include an increased likelihood of death before the age of 65
- A mother's criminal offending is not indicative of her child's attachment to her OR her ability to parent her child
- When a mother goes to prison most children will move home and into the care of someone who isn't their parent – friend/ relative/ foster care
- There is no state support of any kind for either the children or the people who take on their care – finance, emotion, health, education

Who should  
keep it in  
mind?

- Police
- Social Workers
- Health care workers
- Lawyers
- Probation
- Sentencers
- Prison staff
- Policy makers
- Legislators

# Can sentencers take children into account when sentencing?

- YES
- Sentencing Guidelines (including the [Imposition of Community and Custodial Sentences Guideline \(2017\)](#) and the [General Guideline: Overarching Principles \(2019\)](#) (see section 2, Mitigating Factors, sole or primary carer for dependent children, expanded explanation)) state that imprisonment should not be imposed where there would be an impact on dependents which would make a custodial sentence disproportionate to achieving the aims of sentencing

# Does more need to be done?

- YES!
- Sentencers do not have to consider the impact on a child dependent. Until that is mandatory there remains a failure to safeguard children
- Children have a right to be protected by the state from discrimination they face due to the status or activities of their parents  
(Article 2, United Nations Convention on the Rights of the Child, 1989)
- Contrast with separation of children from parents in the family courts. Until we have parity we have a problem