

The place of children in maternal sentencing

Research by Shona Minson has led to a mother successfully reducing her prison sentence and new training for criminal justice professionals involved in maternal sentencing decisions.

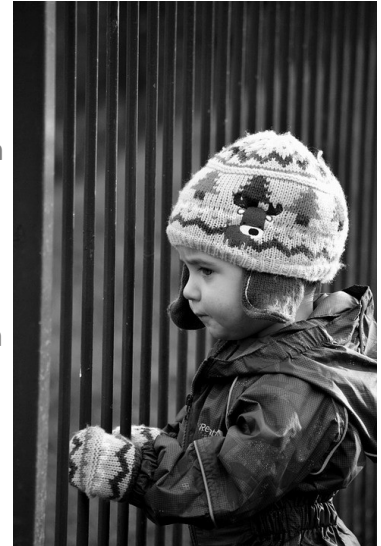
Shona Minson, from Oxford University's Centre for Criminology, was funded by the ESRC to conduct doctoral research exploring the place of children in maternal sentencing decisions. A former barrister who had undertaken both criminal and public law family work (cases where children are taken into the care of the state due to parental abuse or neglect), she was concerned by the differentiated treatment between children separated from their parents by the state in the criminal courts and in the family courts. Her research provided the first study of judicial thinking in maternal sentencing decisions in England and Wales. It is currently the largest study in England and Wales of children whose mothers are in prison, and those that are caring for them during their mothers' absence.

From this research, Minson established that the rights of children to be protected by the state from discrimination due to the status or activities of their parents (under Article 2 of the United Nations Convention on the Rights of the Child 1989) are not always observed within parental sentencing decisions. She provided a review of the existing case law and an analysis of decisions before the Court of Appeal on the sentencing of mothers.

Minson partnered with the Prison Reform Trust to author a discussion paper on the sentencing of mothers and, prior to its publication in November 2015, she was the speaker at a roundtable meeting of senior

judiciary and policy officials, chaired by Lord Woolf, at which the recommendations of the paper were discussed. Following the publication of the report, the paper was cited in the Court of Appeal in a mother's successful appeal against the length of her sentence (*R v Arnold* [2016] EWCA Crim 1267). Minson was subsequently invited to address the Scottish Sentencing Council in March 2017 on the sentencing of primary carers.

Based on the findings of Minson's work, the ESRC have now awarded an Impact Acceleration Award for Minson and colleagues. They will produce a series of training films on the sentencing of mothers for criminal justice professionals including judges and magistrates.



www.law.ox.ac.uk/centres-institutes/centre-criminology
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