FOI Case No. 19:38 Harriet Harman

Thank you for your letter of 27 February 2019 which was treated as a request for information under the terms of the Freedom of Information Act 2000.

Please see your request and our response below:

As at 1 February 2019:

1. How many women were held in Hydebank Wood College and Women's prison and of these how many have children under the age of 18?

As at the 1 February 2019 there were 62 women held in Hydebank Wood College and Women’s Prison. NIPS do not hold details of the ages of dependents.

2. How many women in Hydebank Wood College and Women's Prison with children under the age of 18 were serving custodial sentences for non-violent offences?

As per our reply above, we do not hold details of the ages of dependants and are unable to answer this question.
3. How many women in Hydebank Wood College and Women's Prison with children under the age of 18 were serving custodial sentences of i) less than 3 months, ii) less than 6 months and iii) less than 12 months?

As per our reply above, we do not hold details of the ages of dependants and are unable to answer this question.

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If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask him to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:
Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out. Further details on the role of the Information Commissioner and the handling of appeals can be found at: https://ico.org.uk/

If you wish to discuss this please contact the Records and Information Management Team using the contact details provided at the top of the first page. Please remember to quote your reference in any correspondence.

Yours sincerely,

Records & Information Management Team
Dear Ms Hill,

**FOI Case No. 19:45 Harriet Harrman**

Thank you for your letter of 19 March which was treated as a request for information under the terms of the Freedom of Information Act 2000.

You requested:

How many prisoners gave birth while serving custodial sentence in 2018? How many
a. Gave birth in hospital?
b. Gave birth in prison or en route to prison?

Please find below the information you requested.

No female prisoners in Hydebank Wood College and Women’s Prison gave birth while serving their custodial sentence in 2018.
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If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask him to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
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If you wish to discuss this please contact the Records and Information Management Team using the contact details provided at the top of the first page. Please remember to quote your reference in any correspondence.

Yours sincerely,

*Records & Information Management Team*
Dear Ms Samson

Freedom of Information Act (FOIA) Request – 190227029

Thank you for your requests dated 27 February 2019 in which you asked for the following information from the Ministry of Justice (MoJ):

- As at the 1 February 2019, how many women were held in HMP Askham Grange, Bronzefield, Drake Hall, Downview, East Sutton Park, Foston Hall, Low Newton and New Hall and of these women how many have children under the age of 18

- As at 1 February 2019, how many women were held in HMP Askham Grange, Bronzefield, Drake Hall, Downview, East Sutton Park, Foston Hall, Low Newton and New Hall with children under the age of 18 were serving a sentence for a non-violent offence

- As at 1 February 2019, how many women were held in HMP Askham Grange, Bronzefield, Drake Hall, Downview, East Sutton Park, Foston Hall, Low Newton and New Hall with children under the age of 18 were serving a sentence of i) less than 3 months ii) less than six months iii) less than 12 months

Your request has been handled under the FOIA.

Where more than one request is received for the same or similar information, section 5(2) of the FOI and Data Protection (Appropriate Limit and Fees) Regulations 2004 allows public authorities to aggregate requests and respond to them together I have therefore aggregated your requests.

I can confirm the MoJ holds the information you have requested. However, to provide as the request currently stands would exceed the cost limit set out in the FOIA.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.
As there is no central record if women in prison have children we believe prison staff would have to search the records of every woman during the period in question (around 2,326) to establish if a woman has a child, and if that child is under the age of 18. This would exceed the appropriate limit - consequently, we are not obliged to comply with your request.

Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may wish to consider, for example, Women who spent time on a Mother and Baby Unit. Please be aware that we cannot guarantee at this stage that a refined request will fall within the FOIA cost limit, or that other exemptions will not apply.

For guidance on how to structure successful requests please refer to the ICO website on the following link: http://ico.org.uk/for_the_public/official_information


Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice, 10.14, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner’s Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Keisha Samuels
HMPPS Women’s Team
Dear Ms Samson,

FREEDOM OF INFORMATION REQUEST

Thank you for your recent freedom of information request, which was received on 28 February 2019. This gives a statutory deadline for responding of 28 March 2019 under the terms of the Freedom of Information (Scotland) Act 2002. We note that you sent this request to 5 prisons named below and that the information requested on each occasion was identical. Because of the substantively similar nature of the request we have combined them to provide a single response.

You asked the following, and for ease of reference I have copied your original requests for information (RFI) as follows.

Request for Information

1. As at 1 February 2019, how many women were held in HMP YOI Cornton Vale, HMP Edinburgh, HMP YOI Grampian, HMP Greenock & HMP YOI Polmont and, of these how many have children under the age of 18?

2. As at 1 February 2019, how many women held in HMP YOI Cornton Vale, HMP Edinburgh, HMP Grampian, HMP Greenock and HMP YOI Polmont with children under the age of 18 were serving sentences for non-violent offences?

3. As at 1 February 2019, how many women were held in HMP YOI Cornton Vale, HMP Edinburgh, HMP Grampian, HMP Greenock & HMP YOI Polmont with children under the age of 18, were serving custodial sentences of i) less than 3 months ii) less than 6 months and iii) less than 12 months?

I have now completed my search for the information you request.

In response to RFI 1; having completed our search of all electronic and paper records held by the SPS I can confirm at the time of searching the following information was held;

HMP & YOI Cornton Vale – 83
HMP Edinburgh - 100
HMP Grampian – 52
HMP Greenock - 52
In response to the request for the number of females in our care who have children under the age of 18, I can confirm that this information is not held by the Authority.

The Scottish Prison Service encourages those in our care to disclose whether they have children, particularly as part of our ‘Core Screening’ process, as part of a section entitled “Family contact during prison and on release”. The information, if provided, is also used in support of a number of areas of individual case management and support by both the SPS and other agencies however, we cannot compel an individual to provide accurate information. Any information provided is self-declared and cannot be verified by the SPS.

The only area of statutory recording of children is for the purposes of child protection and in particular only those children visiting the prisons under the age of 16. This information and relationship to the individual in our care is verified using bonified sources prior to any visit taking place.

The only other area where this information is collected is during our regular prisoner surveys, the last being in 2017 which falls outwith the scope of this request. To be helpful however this information is available on the SPS Website under the headings Corporate & Research. To assist the link below will take you to the survey report and the information on children can be found on page 44.

http://www.sps.gov.uk/Corporate/Publications/Publication-6069.aspx

In response to RFIs 2 & 3; having completed our search of all electronic and paper records held by the SPS I can confirm due to the response provided above again there is no information held.

If you are dissatisfied with this response, you have the right to request a review. Your request should be made within 40 working days of the date of receipt of this letter and we will reply within 20 working days of receiving your request. Under section 20(3) (c) (ii) of the Act your request should outline your reason for seeking a review. If our decision is unchanged following a review and you remain unsatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner.

If you require a review of our decision to be carried out, please write to Colin McConnell, Chief Executive, Scottish Prison Service, Calton House, Redheughs Rigg, Edinburgh EH12 9HW. The review will be undertaken by staff not involved in the original decision making process.

I trust this information is helpful.

Lyndsey Moug
Corporate Communications Manager
Scottish Prison Service
Dear Katherine Hill

Freedom of Information Act (FOIA) Request – 190320024

Thank you for your request dated 20 March in which you asked for the following information from the Ministry of Justice (MoJ):

How many prisoners in

1. Askham Grange
2. Downview
3. Drake Hall
4. East Sutton Park
5. Eastwood Park
6. Foston Hall
7. Low Newton
8. New Hall
9. Send
10. Styal

gave birth while serving their custodial sentence in 2018? And how many of these women:

• Gave birth in hospital
• Gave birth in prison or en route to prison

Your request has been handled under the FOIA.

Where more than one request is received for the same or similar information, section 5(2) of the FOI and Data Protection (Appropriate Limit and Fees) Regulations 2004 allows public authorities to aggregate requests and respond to them together I have therefore aggregated your requests.

I can confirm the MoJ holds all the information you have requested. However, to provide as the request currently stands would exceed the cost limit set out in the FOIA.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of one person spending 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.
As no central record is held of women who give birth while in prison we believe that the cost of retrieving and extracting this data would require us to examine all records for every female prisoner for the period in question to determine if they gave birth. There were 2,902 women in the above establishments at 31 December 2018. This comprehensive search will exceed the appropriate FOIA cost limit. Consequently, we are not obliged to comply with your request.

Although we cannot answer your request at the moment, we may be able to answer a refined request within the cost limit. You may want to consider, for example, restricting your request to those women who spent time on a prison Mother and Baby Unit (MBU). A MBU is a designated living accommodation within a women’s prison which enables mothers, where appropriate, to have their children with them.

For guidance on how to structure successful requests please refer to the ICO website on the following link: http://ico.org.uk/for_the_public/official_information


Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner’s Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Keisha Samuels
HMPPS Women’s Team
Dear Ms Hill,

FREEDOM OF INFORMATION REQUEST

Thank you for your recent freedom of information request, which was received on 20 March 2019. This gives a statutory deadline for responding of 16 April 2019 under the terms of the Freedom of Information (Scotland) Act 2002. We note that you sent this request to 5 prisons named below and that the information requested on each occasion was identical. Because of the similar nature of the request we have combined them to provide a single response.

For ease of reference I have copied your original request below. You asked:

Request for Information

RFI 1 How many prisoner in your prison gave birth while serving their custodial sentence in 2018 and how many of these woman

(a) gave birth in hospital and

(b) gave birth in prison or en route to prison?

I have now completed my search for the information you request.

In response to RFI 1, having completed our search of all electronic and paper records held by the SPS, I can confirm the number of women who gave birth whilst serving their custodial sentence in 2018 was 7. (5 from HMP & YOI Cornton Vale and 2 from HMP & YOI Grampian). All these women gave birth in hospital.

If you are dissatisfied with this response, you have the right to request a review. Your request should be made within 40 working days of the date of receipt of this letter and we will reply within 20 working days of receiving your request. Under section 20(3) (c) (ii) of the Act your request should outline your reason for seeking a review. If our decision is unchanged following a review and you remain unsatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner.
If you require a review of our decision to be carried out, please write to Colin McConnell, Chief Executive, Scottish Prison Service, Calton House, Redheughs Rigg, Edinburgh EH12 9HW. The review will be undertaken by staff not involved in the original decision making process.

Yours sincerely

Lyndsey Moug
Corporate Communications Manager
Scottish Prison Service
Dear Ms Gulma

Freedom of Information Act (FOIA) Request – FOI 190523032

Thank you for your request dated 23rd May 2019 in which you asked for the following information from the Ministry of Justice (MoJ):

“In summary the Joint Committee on Human Rights made 2 FOI requests to all prisons in the UK (these were dated 27 February and 19 March) and we received collective responses from the MoJ on behalf of 8 prisons on both occasions (dated 27th March and 3rd April). We separately heard back from prisons in Scotland and Northern Ireland, however, we are yet to receive a response from the following prisons: HMP Styal, HMP Eastwood Park and HMP Send.

Hence, the Committee would like to know whether the same response provided to the Committee (on the 27th March and 3rd April) applies to these three prisons too”.

We have interpreted your request as: 1. As at 1 February 2019, how many women were held in HMP Styal, HMP Eastwood Park and HMP Send with children under the age of 18 were serving a sentence for a non-violent offence2. As at 1 February 2019, how many women were held in HMP Styal, HMP Eastwood Park and HMP Send with children under the age of 18 were serving a sentence of i) less than 3 months ii) less than six months iii) less than 12 months

Your request has been handled under the FOIA.

In relation to question 1, a response to the Joint Committee on Human Rights (FOI 190320024) was sent on 3 April which included information on HMP Styal, Eastwood Park and Send. A copy of the letter dated 3 April is attached for your reference.

In response to question 2, I can confirm the MoJ holds the information you have requested. However, to provide as the request currently stands would exceed the cost limit set out in the FOIA.

Section 12(1) of the FOIA means public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of
one person spending 3.5 working days determining whether the department holds the
information, and locating, retrieving and extracting the information.

As there is no central record of women in prison who have children we believe prison staff
would have to search the records of every woman during the period in question (around
2,326) to establish if a woman has a child, and if that child is under the age of 18. This would
exceed the appropriate limit - consequently, we are not obliged to comply with your request.

Although we cannot answer your request at the moment, we may be able to answer a
refined request within the cost limit. You may wish to consider, for example, women who
spent time on a Mother and Baby Unit. Please be aware that we cannot guarantee at this
stage that a refined request will fall within the FOIA cost limit, or that other exemptions will
not apply.

For guidance on how to structure successful requests please refer to the ICO website on the
following link: http://ico.org.uk/for_the_public/official_information


Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by
responding in writing to one of the addresses below within two months of the date of this
response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice, 10.14, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner’s Office (ICO) to investigate any
aspect of your complaint. However, please note that the ICO is likely to expect internal
complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

Gloria Jones-Baturay
HMPPS Women’s Team