

The Restraint of Pregnant Women During Pregnancy-Related Hospital Escorts

Points for inclusion within an independent investigation Terms of Reference

Purpose

The Minister of State for Prisons, Probation and Reducing Reoffending (the “Minister”) has commissioned the Prisons and Probation Ombudsman (“PPO”) to carry out an independent investigation into the use of restraints during pregnancy-related hospital escorts. It covers the use of restraints during transport to/from hospital, and while in hospital, on pregnant women and, where deemed appropriate by the PPO, women who are immediately post-natal or post-pregnancy loss.

The use of restraints during pregnancy-related hospital escorts is governed by policy, currently the [Prevention of Escape: External Escorts Policy Framework](#). This policy was introduced on 22 September 2022 and has been revised over time. Details of these revisions are set out on page 3 of the policy. Before the 2022 policy was introduced, the use of restraints on pregnant women was governed by ‘PSI 33/2015 External Prisoner Movement’, this was introduced on 9 December 2015 and reissued on 1 October 2021.

The policy requires that the use of restraints during pregnancy-related hospital escorts must be subject to risk assessment. In addition, restraints may only be used during a consultation in exceptional circumstances where the risk assessment has identified a particularly high risk of escape or a threat to anyone’s personal safety.

This investigation has been commissioned in light of allegations that the policy was routinely breached at one or more women’s prisons (including, in some cases, the unjustified use of restraint on prisoners during labour) and that this amounted to both a systemic breach of Article 3 ECHR (which prohibits torture or inhuman or degrading treatment or punishment) and a breach in respect of the individual rights of pregnant women.

HM Prison and Probation Service (“HMPPS”) took prompt steps to assess existing practice across all women’s prisons, focusing on an assessment period of April 2024 to March 2025. It identified the need to review the policy to further support compliance and provide managers with additional guidance. Work to implement this is underway. However, given the seriousness of the allegations, the Minister considers that an independent investigation is necessary in order to meet the investigative requirements of Article 3 ECHR. In summary, the investigation must:

- Be independent
- Be capable of establishing the facts
- Involve alleged victims
- Have a sufficient element of public scrutiny
- Be conducted promptly

- Aim to identify and rectify any systemic failings so that lessons can be learned

It will be for the PPO to determine what the Article 3 investigative duty requires in respect of each of these features.

The investigation will assess compliance with policy including, in particular, ascertaining whether there are any systemic issues, identifying any lessons to be learned and making any relevant recommendations.

Scope

The investigation will investigate and report on the use of restraints on pregnant women during pregnancy-related hospital escorts across all public and private women's prisons where restraints are used for external escorts (listed at Annex A) between 1 January 2021 and 31 December 2025 (the "Relevant Period").

The investigation will reach any necessary factual findings on the use of restraints during pregnancy-related hospital escorts during the Relevant Period and make any such recommendations as may seem appropriate. In particular, the PPO will investigate:

- 1) Whether pregnancy-related hospital escorts were carried out in accordance with the policy in place at the time.
- 2) The nature and causes of any identified non-compliance.
- 3) Whether there is credible evidence that restraint took place in breach of the policy in place at the time in such a way as might amount to inhuman or degrading treatment, and in what circumstances.
- 4) Whether there is a credible basis for considering that restraint was used disproportionately in relation to Black and minority ethnic prisoners and, if so, to investigate further.
- 5) The changes that have been put in place since the issue was raised in February 2025 and any lessons the PPO considers have been learned.
- 6) Whether any further changes to policy, training and management arrangements would help prevent a recurrence of any identified non-compliance.
- 7) Whether there are any other lessons to be learned regarding use of restraints during pregnancy-related hospital escorts and implementation of the policy.

It is not part of the PPO's function to determine civil or criminal liability of named individuals or organisations. However, the PPO should make any necessary findings of fact relevant to its Terms of Reference.

Timescale

The investigation should be undertaken without undue delay, to enable a final report to be produced as quickly and effectively as possible. In particular, the investigation should ensure that in the event it is considered that there are any ongoing systemic issues, these are identified at the earliest opportunity.

It is expected, on the basis of current information, that the PPO will make its best endeavours to complete the investigation and produce its report by 30 September 2026. However, an extension may be agreed with HMPPS subject to the complexity of the work and the amount of evidence for review. The PPO will confirm the start date for the investigation with HMPPS prior to commencement.

Investigation Protocol

It is for the PPO to determine what investigations are necessary, the method of investigation, and whether to make individual factual findings in any particular case, having regard to the overall overarching requirements that (a) the PPO should make any necessary findings of fact relevant to its Terms of Reference and (b) the PPO should ensure that the investigation complies with the requirements of Article 3 having regard to the need for public scrutiny, victim participation and fact-finding.

However, it is expected that in addition to reviewing documentation, the PPO will ensure that it receives direct accounts (it is a matter for the PPO as the form of such accounts whether written and/or oral, individual and/or collective and from whom) from at least some women prisoners who were escorted while pregnant during the Relevant Period as well as from some members of staff and managers.

The PPO may consider that some individual case studies would assist particularly to inform the PPO's understanding of the concerns raised and to identify the appropriate method of investigation. It is recognised that there may be logistical and practical issues speaking to some individuals and it is a matter for the PPO to determine what is a proportionate approach.

The PPO will determine the investigation procedure but will inform HMPPS of key procedural decisions.

The PPO will have a single point of contact ("SPOC") from HMPPS for the duration of the investigation to support timely responses to the PPO's requests. Any requests for information from HMPPS or individual prisons and any requests for interviews with HMPPS, Ministry of Justice ("MoJ") or Sodexo employees must be made via the SPOC. Employees will be expected to cooperate with interview requests. All material will be managed in accordance with PPO policy and the relevant information legislation.

The PPO will consider representations as to the necessity of particular material being provided; the means by which it is provided; and any sensitivity connected with future publication, but the final decision rests with the PPO who will define the material required based on the needs of the investigation.

In the event that the PPO identifies information that may lead to disciplinary action being taken against an employee of HMPPS, Sodexo or MoJ; civil proceedings; or a criminal investigation, it will provide that information to the SPOC. Individual employees will not be named in the PPO's report. The PPO will consider whether it is necessary to identify, with appropriate anonymisation, individuals in the report in order to comply with the requirements of Article 3.

Output of the Investigation

The PPO will carry out an investigation covering the areas identified at points 1-8 above.

Following the investigation, the PPO will prepare and publish a written report of its findings.

The PPO should make any recommendations it sees fit, including any actions that may, in its view, be appropriate as a result of its findings.

A draft of the final report will be provided to the Minister, and other individuals the PPO deems appropriate, for factual accuracy checks prior to publication.

The content of the report is solely at the discretion of the PPO. The PPO will consider responses to factual accuracy checks, but will exercise its own discretion on what, if any, changes to make. The PPO can only base its report on the evidence available as part of the investigation. If during the investigation the PPO identifies any gaps in the evidence or any missed opportunities, it will highlight them in the written report.

Media engagement

The PPO's press officer will handle media engagement relating to their running of the investigation and publication of the final report. It will be for the PPO to determine the extent of any media engagement, including any press releases or statements. The PPO's press officer will inform HMPPS and MoJ Press Office before issuing any press releases or statements.

Resources

Funding for any resource required for this investigation, above the current PPO resource envelope, will be provided by HMPPS. This will cover all staffing costs reasonably necessary for the PPO to undertake the investigation. Appropriate staff will be appointed by the PPO to carry out and support this work.

HMP/PPS will also reimburse the PPO for any legal advice they obtain as part of this investigation.

Annex A

The women's prisons in scope for this investigation:

HMP/YOI Bronzefield
HMP/YOI Downview
HMP/YOI Drake Hall
HMP/YOI Eastwood Park
HMP/YOI Foston Hall
HMP/YOI Low Newton
HMP/YOI Newhall
HMP/YOI Peterborough
HMP Send
HMP/YOI Styal

This investigation will not cover the two open prisons in the women's prison estate (HMP/YOI Askham Grange and HMP/YOI East Sutton Park) because the Policy does not apply to these prisons. Prisoners attending medical appointments do so on temporary licence and are not subject to restraint.