

Police, Crime, Sentencing and Courts Bill 2021

A report for the Joint Committee on Human Rights

Report prepared by Dr Dan Allen, on behalf of the Gypsy, Roma and Traveller Social Work Association.

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1. Introduction

- 1.1. I, Dr Dan Allen, Social Work academic at Manchester Metropolitan University, member of the British Association of Social Workers and representative of the Gypsy, Roma and Traveller Social Work Association, present the following report on the Police, Crime, Sentencing and Courts Bill 2021 to the Joint Committee on Human Rights.
- 1.2. I have over 18 years' experience working to democratise child protection practice with Romani and Traveller families. I have published widely on this topic and I have represented child protection practitioners working to support Romani and Traveller families at the European Union Agency for Fundamental Rights, the House of Lords, and the Welsh Assembly.
- 1.3. In this report, I outline the concerns that we at the Gypsy, Roma and Traveller Social Work Association have over the powers outlined in the Police, Crime, Sentencing and Courts Bill 2021 (hereafter 'The Bill') will add to the inequalities that Romani and Traveller people face creating the same cycle of deprivation seen in the UK following The Caravan Sites and Control of Development Act 1960.
- 1.4. I explain how the power to seize people's homes and criminalise those living on an unauthorised encampment will contradict the 1989 Children Act, the 2004 Children Act 2004, as amended by the Children and Social Work Act 2017, the Care Act 2014 and equality legislation and duty more broadly.
- 1.5. The facts set out in this report are within my own knowledge, and that of the that of the Gypsy, Roma Traveller Social Work Association, save where I state otherwise. Where I refer to facts that are not within my own knowledge, or that of the Gypsy, Roma Traveller Social Work Association, I will give the source of my knowledge of those facts.

2. Contextualisation

- 2.1. It is the considered opinion of the Gypsy, Roma Traveller Social Work Association that The Bill is likely to have a specific impact on children, adults and communities living on unauthorised encampments. Understanding the scale and nature of this impact is central to this debate.
- 2.2. Sweeny and Dolling (2021) report that there are some 20% or more of Gypsies and Travellers living on unauthorised encampments in the UK. They explain that this situation is due to the continuing (and increasing) lack of stopping places and sites and a failure of the planning laws to provide a realistic method for Gypsies and Travellers to set up their own sites.



- 2.3. The first challenge when trying to contextualise our concern for The Bill is in the need to establish and understand what 20% of the population means. Estimates of Gypsy, Roma and Traveller populations in the UK range from 58,000 to 300,000 (Brown et al, 2013) people with no consistent disaggregation according to ethnicity or age. The latest figures provided by the Office for National Statistics (2020b) do not present information to clarify population sizes by ethnicity either.
- 2.4. According to the Office for National Statistics (2020a) Schools, Pupils and their Characteristics database however, there were 8,845,417 children aged between 2 and 18 registered with state funded education providers in England in 2019/20. The database also shows that there were 27,731 'Gypsy/Roma' children and 6,434 'Travellers of Irish Heritage' children registered with state funded education providers in the same year. In the absence of any other dataset, we believe that the Schools, Pupils and their Characteristics report provides the only suitable data for contextualisation of our concerns.
- 2.5. If 20% of 'Gypsy/Roma' children and 20% 'Traveller of Irish Heritage' children are living on unauthorised encampments, the Office for National Statistics (2020a) Schools, Pupils and their Characteristics database suggest that 6832 children will be affected by The Bill, although most would argue that this figure is grossly underestimated.
- 2.6. There is no similar estimate of a 'Gypsy/Roma' or 'Traveller of Irish Heritage' adult population.

3. Impact on Children

- 3.1. Earlier this year, we worked with Victoria Hamnett, a practicing social worker, to analyse child protection data obtained from the Department of Education via a Freedom of Information request. The research is currently being considered by the British Journal of Social Work for publication.
- 3.2. This research showed that nothing is more important than a child's welfare. We recognise that children who need help and protection deserve high quality and effective support as soon as a need is identified. As qualified and experienced social workers, we also recognise that our child protection systems demand an approach that responds to the needs and interests of children and families and not the other way around.



3.3. Whilst it is parents and carers who have primary care for the children living on unauthorised sites, local authorities, working with partner organisations and agencies, have specific duties to safeguard and promote the welfare of all children too. Based on the analysis of the data that is available, it is the professional view of the Gypsy, Roma and Traveller Social Work Association that The Bill undermines this duty.

4. Irish Traveller children

4.1. Data provided by the DfE showed that Traveller of Irish Heritage were 3.33 times more likely to be referred to social services than children from any other ethnic group; 3 times more likely to experience an Initial Child Protection Conference and Child Protection Plan and 2.55 times more likely to enter state care than any other child. Based on this data, we have been able to show, for the first time, why 'Traveller of Irish Heritage' children are disproportionately represented in child protection and in state care in England.

4.2. In 2018/19, 1 in 5 'Traveller of Irish Heritage' children were referred to social work services. In the same year 1 in 15 children from 'All other' ethnic groups, were referred to social work services.

4.3. In the subsequent discussion, we advanced a series of recommendations to reduce the number of 'Traveller of Irish Heritage' children living in state care by reducing the number referred to child protection services. The most important proposal was for Early Help, that which typically includes early intervention, practical family support programmes or 'Child in Need' multi-agency plans, developed to support families and prevent them from falling into crisis. The Bill has the potential to destabilise families and create crisis, rather than prevent it.

4.4. The Bill could mean that the opportunity for Early Help is reduced as the number of 'Traveller of Irish Heritage' children involved in child protection increases. If this hypothesis is accurate, our research also shows that the number of 'Traveller of Irish Heritage' living in state care will also increase.



4.5. When Traveller children are removed from their families, their culture and ethnic identity is not always be promoted by their foster carers and residential care workers. If The Bill leads to an increase in the number of 'Traveller of Irish Heritage' children living in state care, we will be clear that these actions will have been made possible by institutional racism, state violence and control. Our associated observation will be that The Bill could be used as a tool for ethnic cleansing, undermining the central duty of the 1989 Children Act, the 2004 Children Act 2004, as amended by the Children and Social Work Act 2017 has significance.

4.6. In addition to the emotional and social cost to 'Traveller of Irish Heritage' families, including the preservation of their right to family life, caused by increased involvement of statutory childcare services, The Bill is likely to create a significant economic impact on social care services as even more families will require their support. In our professional opinion, this cost cannot be reconciled in the clear absence of effective community based Early Help services.

5. Roma/Gypsy children

5.1. The Department for Education combines the two ethnic groups 'Roma' and 'Gypsy' together. Despite the positive move to include Gypsy and Roma children in data gathering exercises, the format for doing so falls short of what is required. The terms used for their ethnic compartmentalisation 'Gypsy/Roma' is problematic because it discounts additional dimensions to identity, such as ethnicity, first language and habitual residency status, experiences of state agencies and cultural traditions highlighting further concerns about institutional racism.

5.2. In contrast to 'Traveller of Irish Heritage' children, government data shows that 'Gypsy/Roma' children are 1.81 times more likely to be referred to social services, 2 times more likely to attend an Initial Child Protection Conference, 2 times more likely to receive a Child Protection Plan and 2.11 times more likely to enter state care compared to children from 'Any other' ethnic group.

5.3. Our research shows that whilst there may be fewer referrals for a 'Gypsy/Roma' child, the involvement of social services is likely to increase at a disproportionate rate over time.



- 5.4. Where The Bill enables police to seize people's homes and criminalise those living on an unauthorised encampment, we believe that the main protective factors that enable child protection practitioners to work with 'Gypsy/Roma' families within an agreed tolerance of risk could be taken away too. It is here that the actions of the police, who are arguably acting in response to state policy that fails to provide a realistic method for families to live on authorised or tolerated sites, could place 'Gypsy/Roma' at additional risk of harm. We do not find this position acceptable.
- 5.5. The additional challenge facing 'Gypsy/Roma' communities relates to Brexit. The UK is no longer duty bound to implement (or at least be seen to be attempting to implement) the EU's policy concordats concerning Roma inclusion. Whilst the UK was once committed to improving the health, housing and education of 'Gypsy/Roma' people, we believe that this obligation, and the progress made to advance social justice and integration over the last two decades, is now being endangered by The Bill.
- 5.6. For 'Gypsy/Roma' communities, it is the view of the Gypsy, Roma Traveller Social Work Association that The Bill removes key protective factors in education, employment and health. If families are not permitted to live on unauthorised encampments, and a shortage of authorised sites remains, we fear that families will exist in a policy impasse that will see a repeat of social injustice, poverty, deprivation and inequality caused by waves of legislation, including The Caravan Sites and Control of Development Act 1960 and the Criminal Justice and Public Order Act 1994. Again, this position undermines the central duty of the 1989 Children Act, the 2004 Children Act 2004, as amended by the Children and Social Work Act 2017.

6. Romani and Traveller adults

- 6.1. Over the last decade, members of the Gypsy, Roma Traveller Social Work Association have been instructed to undertake impact assessments of families and communities facing eviction or prosecution for breaching planning law. In each example, it has been our consistent assessment that the community provides a crucial social network that supports matters related to mental health and community care. It is our opinion that the Bill serves to break up these community resources and strengths thus representing a significant threat to public health.



- 6.2. The Care Act 2014 sets out statutory responsibility for the integration of care and support between health and local authorities. Local Authorities have statutory responsibility for safeguarding. In partnership with health and housing, they have a duty to promote wellbeing within local communities. The Bill serves to destabilise this duty, particularly if adults are criminalised with no concern or consideration of broader health and social care matters.
- 6.3. Our research shows that Romani and Traveller adults experience some of the poorest health outcomes of any group in society. Accommodation insecurity, the conditions of their living environment, community participation and discrimination all play key roles in exacerbating these poor health outcomes. Our research also shows that accommodation insecurity negatively impacts on the physical and mental health of Romani and Traveller adults. We are therefore seriously concerned that The Bill creates further accommodation insecurity, adversely affecting the health and wellbeing of those living on unauthorised encampments, thus undermining equality legislation and duty.
- 6.4. We further predict that The Bill will weaken the development of preventative approaches to promote independence and wellbeing as set out in the Care Act 2014. Instead of enabling adults to experience continued access to health care services, the seizure of homes and the criminalisation of those living on unauthorised sites could further limit the opportunities and choices that some adults have adding to the social determinants of health inequality. With no proactive accommodation planning, we foresee The Bill creating a continual cycle of criminalisation and eviction that places further demand on policing, social care and health resources.

7. Summary

- 7.1. This brief report has outlined the main reasons why we at the Gypsy, Roma and Traveller Social Work Association oppose The Bill.
- 7.2. In addition to the impact on health, wellbeing, human rights and the right to private family life, we believe that The Bill is likely to have a significant economic impact as the number of referrals to social care, health and housing services increases.



- 7.3. It is our view that a more appropriate Social Return on Investment would be to divert the money needed to implement the Bill, seize homes and criminalise Romani and Traveller people, to fund the development of Early Help and grassroots organising. Most of all we believe that investment should include the provision of authorised enactments, affordable accommodation provision and the support needed to promote health education and employment.
- 7.4. As registered social workers, we at the Gypsy, Roma and Traveller Social Work Association believe that The Bill reinforces structural discrimination and minimises the day-to-day hardships faced by families living on unauthorised encampments. It is divisive. Rather than criminalising people and seizing their homes, we believe that legislation should consider how police, social care, health and education services could work more closely to build effective partnerships with Romani and Traveller communities as intended by Every Child Matters White paper and subsequent 2004 Children Act.
- 7.5. Instead of criminalising a protected characteristic, policy action should seek opportunities to stand with families and raise awareness of environmental hazards and the social determinants of inequality in pursuit of a more sustainable solution. We at the Gypsy, Roma Traveller Social Work Association therefore believe that policy action should only help to raise awareness of the right of individuals, families and communities to live in safe and healthy environments. It should not be used to reinforce marginalisation or sharpen the tools that further limit the choices available to those living and suffering on unauthorised encampments.



References

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