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THE FRAGILITY OF PROFESSIONAL COMPETENCE

A REPORT BY THE EUROPEAN ROMA RIGHTS CENTRE



A Preliminary Account of Child Protection Practice With Romani and Traveller Children in England

JANUARY 2018

CHALLENGING DISCRIMINATION PROMOTING EQUALITY



University of
Salford
MANCHESTER





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2 Introduction

“Effective safeguarding arrangements in every local area should be underpinned by two key principles; safeguarding is everyone’s responsibility and, a child-centered approach for services to be effective they should be based on a clear understanding of the needs and views of children”¹.

Child protection services in England work hard to prevent abuse and to stop it quickly when it happens. The harmful risks to children and young people that child protection professionals in England seek to address include sexual exploitation, forced marriage, domestic abuse, physical abuse, neglect, emotional abuse, female genital mutilation, online abuse, bullying and trafficking. To assist child protection professionals in their duty to protect children from these risks, there has been a steady accumulation of robust scientific findings on the long-term effects of maltreatment, making the establishment of a coherent evidence base that can be used to guide, steer and inform the decisions that are made².

In making decisions about the welfare of children, child protection professionals are supported in several different ways. International and national laws and social policies provide specific duties in relation to children ‘in need’ and children ‘suffering, or likely to suffer, significant harm’. The Children’s Commissioner develops strategies to promote and protect the rights of children, and professional regulatory frameworks guide and monitor standards of behaviour conduct and ethics. Management structures, a central focus on the voice of the child and multidisciplinary working help to determine and substantiate verifiable assessments, and an independent Local Safeguarding Children’s Board acts to scrutinise the credibility and reliability of decisions being made. Taken together, the purpose and function of each individual mechanism is to work together to ensure that the welfare of the child is safeguarded as a paramount concern.

Underscoring professional regulation and the relevant legal and social policy frameworks is the evidence base and training that is essential to guide and inform practice. Whilst there has been an increase in research converging around issues of child protection generally³, there has been an unequal focus on safeguarding Romani and Traveller children. According to Allen⁴ the uneven attention being given to the role of child protection with Romani and Traveller

- 1 Her Majesty’s Government (2015) Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children. London: HMSO.
- 2 Jones, C., Taylor, J., MacKay, K., Soliman, F., Clayton, E., Gadda, A. M., & ... Jones, D. (2017). The Landscape of UK Child Protection Research 2010 to 2014: A Mapping Review of Substantive Topics, Maltreatment Types and Research Designs. *Child Abuse Review*, 26(1), 8-18.
- 3 Bentley, H., O’Hagan, O., Raff, Brown, A., Vasco, N., Lynch, C., Peppiate, J., Webber, M., Ball, R., Miller, P., Byrne, A., Hafizi M., and Letendrie, F. (2017) *How safe are our children? The most comprehensive overview of child protection in the UK 2017*. London: NSPCC.
- 4 Allen, D (2016) ‘It’s in their Culture’: Working with automatic prejudice towards Gypsies, Roma and Travellers in care Proceedings’ *Seen and Heard*, 26(2) pp 40 - 52.

children means that practice can become determined by individual intuition, sentiment and tacit knowledge rather than empirically or theoretically informed judgment. A recent serious case review in England, for instance, has shown that a lack of methodological diversity within the field of child protection research with Romani and Traveller children also means that some child protection professionals, including those in the position to manage and scrutinise the quality of casework decisions, can overlook unhelpful value judgements, including the words 'it's in their culture', because they too are making decisions that are determined by a tacit knowledge base⁵. Although the child protection system should ensure that the welfare of the Romani and Traveller child is paramount, emerging concerns suggest that the decisions being made, and the actions being taken, do not always achieve this central duty⁶.

To examine the concerns that have been listed more fully, the authors of this report have been commissioned by the European Roma Rights Centre (ERRC) to carry out a preliminary study into the scale and nature of child protection practice with Romani and Traveller children in England. Specifically, the study aimed to:

1. Highlight the principal reasons for child protection involvement with Romani and Traveller children;
2. Map the placement type and legal status of Romani and Traveller children involved in child protection systems;
3. Examine the reasons for the placement of Romani and Traveller children in state care;
4. Explore how child protection professionals describe their work with Roma children; and,
5. Shed some light on the experiences of families who have experienced child protection involvement.

The findings presented in this report reflect data that has been gathered in four separate ways. First, data was gathered through a series of Freedom of Information Requests to the Department of Education. Second, data was gathered from 137 questionnaires completed by child protection professionals working in England. Third, data was gathered from focus group interviews with 155 child protection professionals working in England. Finally, data was also gathered from two families who have experienced child protection involvement in family life.

Taken together, the data presented in this report indicates that child protection professionals working with Romani and Traveller children in England are generally ill-equipped and under pressure. In most cases, they are not supported to develop the professional competence needed to effectively safeguard Romani and Traveller children. Although child protection professionals do not deliberately set out to work in a discriminatory way, a lack of resources, training, community-based resources and opportunity to critically reflect before practice, can lead to fragility in professional capability and poor decision-making. In extreme instances, some of the practice reported in this report is oppressive.

⁵ Harrington, K (2014). *Serious Case Review: Family A*. Southampton: Southampton Local Safeguarding Children Board.

⁶ *Ibid.*

Rather than seeking to find new and creative ways to work with Romani and Traveller families, some child protection professionals, oppressed themselves by rigid policy frameworks, appear reticent to challenge their own presuppositions and assumptions toward the conceptual ‘Gypsy’. For this reason, they can fail to recognise and understand the context in which their own automatic prejudice emerges and endures. Whilst all child protection professionals in England should critically recognise how the impact of variable belief systems can come to represent the tacit theory that informs personal practice, some professionals who took part in this study reported feeling unsupported in their work highlighting four key findings:

- Finding 1: Without effective casework, supervision and training, child protection professionals can assume that a Romani and Traveller children are at more risk of harm than any other child because of their culture. These assumptions then lead to unreliable and unverifiable assessments and examples of oppressive and coercive practice.
- Finding 2: Successful child protection practice with Romani and Traveller children requires that professionals engage in exercises of pre-reflection to ensure that child protection procedure is only instigated because there are verified concerns about a child’s welfare.
- Finding 3: The current structures of child protection appear to be creating a two-tier system in some regions in England. This means that the lack or potential dilution of accessible community-based early help services fails to identify those Romani and Traveller children who might be in need. The reduction in early help also fails to prevent needs escalating to a point where intervention would be deemed required via a statutory assessment under the Children Act 1989.
- Finding 4: A lack of opportunity associated with time, training, resources, mediation, advocacy and community-based practice combine to mean that some child protection professionals are ill-equipped and under pressure. Taken together this means that some of the decisions made by child protection professionals do not always reflect the best interests or the actual views of the child.

Considering the key findings uncovered through this preliminary study, this report provides an evidence base which might hopefully inform further academic research, child protection policy development, and the priorities for child protection professionals. This report calls for the expansion of approaches to critical pre-reflection and the use of appreciative inquiry. By outlining ten recommendations for research policy and practice, this report recognises that child protection professionals must, as a minimum standard, be sufficiently skilled and supported to understand the impact of automatic prejudice on the assessment process. The increased knowledge, values and skills will then minimise the opportunity for oppression and enable an equal system of child protection practice and ultimately engender successful outcomes for Romani and Traveller children. If child protection professionals are unable to understand the impact of automatic prejudice they may allow un-reflected value judgements to direct and determine the course of child protection practice, they may discredit the value base of their profession, and ultimately fail the children and families they are working to support.

In presenting recommendations for practice, we are mindful that there remain questions about the utility for service improvement, but we do not wish to obstruct the pathway to improvement

by presenting an investigation that overemphasises deficits and failures. Where poor child protection practice is reported in some areas of England, it is important to note that there are equal responses of diligence and outstanding innovation in others. For this reason, in presenting the research findings in this report we have also attempted to establish a balanced view that defines, locates and promotes examples of good child protection practice too.

This report begins with a review of the empirical context of child protection with Romani and Traveller children. A brief account of the research methodology and findings is followed by a summary of the key findings and the potential for academic research, policy and child protection practice to develop positive examples of work to influence a desired cultural shift through the process as well as the outcome. Throughout this report, several distinctive contributions to child protection practice with Romani and Traveller children in England are advanced. It is hoped that the same will help set future priorities for State policy and action.

3 The Context of Child Protection in England

“No single professional can have a full picture of a child’s needs and circumstances and, if children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action.”⁷

Who are Romani and Traveller People?

Before moving on to explore the relationship between child protection systems and Romani and Traveller families more fully, it is important to note that people who are frequently homogenised under the terms “Romani” or “Traveller” in Britain constitute a rich and diverse group of communities who identify themselves differently, and often distinguish themselves carefully from one another.

Within European Union policy, the term ‘Roma’ is commonly used to encompass diverse groups that include names like ‘Roma’, ‘Gypsies’, ‘Travellers’, ‘Manouches’, ‘Ashkali’, ‘Sinti’ and ‘Boyash’⁸. However, in a British context, the terms ‘Romani’ and ‘Traveller’ are preferred and include ‘Roma’, ‘Romani (English) Gypsies’, ‘Irish Travellers’, ‘Scottish Gypsies’ and ‘Scottish Travellers’, ‘Welsh Gypsies’, ‘New Travellers’, ‘Showmen’, ‘Circus People’ and ‘Boat People’.

The ancestors of the Romani (English) Gypsies (Romanichal, or Romani Chals as they are sometimes termed), Scottish Gypsies, Scottish Travellers and Welsh Gypsies living in England, came to Britain sometime in the 13th or 14th century. Today, members of these communities often speak Romanes, or ‘pogadi chib’, which has its origin in an ancient Sanskrit language that was first spoken in the Indus Valley, which lies in the North-Western region of the Indian subcontinent, over a thousand years ago. In recognition of this long history and rich heritage, it was established through the courts in 1989 that Romani (English) Gypsies are an ethnic minority group⁹ who should be protected under equality legislation and duty. As Scottish Gypsies and Travellers also share this long history, they too were established as an ethnic minority group in 2008¹⁰.

The word ‘Gypsy’ is not a Romani word but a distorted version of the English word ‘Egyptian’, a label given to them by society in the 16th century¹¹. Today the word ‘Gypsy’ is often

7 Her Majesty’s Government (2015) Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children. London: HMSO.

8 Council of Europe (2012) *Descriptive Glossary of terms relating to Roma issues*. Available at: <http://a.cs.coe.int/team20/cahrom/documents/Glossary%20Roma%20EN%20version%2018%20May%202012.pdf>.

9 Commission for Racial Equality v Dutton [1989] IRLR 8 CA. Available at: <http://miris.eurac.edu/mugs2/do/blob.pdf?type=pdf&serial=1019146016182>.

10 Mr K MacLennan v Gypsy Traveller Education and Information Project (2008) unreported.

11 Morgan, J (2016), ‘Counterfeit Egyptians’: The construction and implementation of a criminal identity in early modern England’, *Romani Studies*, 26, 2, pp. 105-128.

used by non-Gypsies to identify, or label, the whole Travelling population, it is frequently used in the media as a racist term of abuse, especially when abbreviated¹².

Roma communities in Britain share historical origins with Romani Gypsies. They too migrated out of India sometime in the 13th or 14th century but generally only began to migrate to the UK in the 1990s, first as asylum seekers fleeing persecution and discrimination in different countries in Central and Eastern Europe, and subsequently as migrants from A8 EU accession countries. For Roma people, being ascribed the name 'Gypsy' can be insensitive, since, in Sinti, a variation on the Romani language, the English word 'Gypsy' literally translates as 'dirty'. Therefore, in referring to a Roma person as a 'Gypsy', or asking them to self-ascribe in this way could be deeply offensive, and might not equate to fair and equal service delivery.

Another principal Traveller group in Britain are Irish Travellers, sometimes self-referred to as 'Pavees' within the Irish Traveller community. Although some of their traditions may be similar to those of Romani Gypsies, McVeigh¹³ states that Irish Travellers have their origins in a Celtic, and possibly pre-Celtic, nomadic population in Ireland. According to Kenrick¹⁴, they have travelled within the UK since the 19th century, but the inclusion of the words 'counterfeit Egyptians' in the Punishment of Vagabonds Calling Themselves Egyptians Act 1562, suggests that Irish Travellers might have been living and travelling in the UK well before that date¹⁵. In recognition of this long history and rich heritage, Irish Travellers have also been recognised as an ethnic minority group and protected under equality legislation and duty since 2000¹⁶.

New Travellers, Showmen, Circus People and Boat People living in the UK are not currently protected as ethnic minority groups under equality legislation and duty. These groups are often referred to as 'cultural Travellers' rather than as 'ethnic Travellers'. Put plainly, the separation between ethnic and occupational status in Britain means that not all of those protected under equality law are nomadic; and not all those people who are nomadic are protected.

Although a fuller exploration of the differences between these groups and the variations in equality law might be useful, any further detail is beyond the scope of this report. For readers new to this topic, the book *Social Work with Gypsy, Roma and Traveller Children*¹⁷ is recommended as an accessible foundation text from which to understand the unique cultures and challenges experienced by Gypsy Roma and Traveller communities within a British context.

12 Allen, D., & Adams, P. (2013) *Social work with Gypsy, Roma and Traveller children*. London: British Association of Adoption and Fostering.

13 McVeigh, J. (1997). Theorising Sedentarism: The Roots of Anti Nomadism. In T. Acton, *Gypsy Politics and Traveller Identity*. Hatfield: University of Hertfordshire Press.

14 Kenrick D (1994) Irish Travellers: a unique phenomenon in Europe? in M, McCann, SO, Siochain & J Ruane (Eds) *Irish Travellers: Culture and ethnicity*, Belfast: Institute of Irish Studies, Queens University.

15 Morgan, J (2016), 'Counterfeit Egyptians': The construction and implementation of a criminal identity in early modern England', *Romani Studies*, 26, 2, pp. 105-128.

16 O'Leary & Others v Punch Retail & Others (Westminster County Court 29 August 2000, unreported).

17 Allen, D., & Adams, P. (2013) *Social work with Gypsy, Roma and Traveller children*. London: British Association of Adoption and Fostering.

The number of Romani and Traveller people in England

The National Census in England and Wales in 2011 included a “Gypsy and Irish Traveller” category for the first time. The Census puts the combined Gypsy and Irish Traveller population in England and Wales as 57,680¹⁸. However, this figure is believed to be a significant undercount by several Non-Government Organisations and academic research centres. The 2011 census is considered to be unreliable because of matters related to structural discrimination. This includes unequal opportunities in education leading to reduced confidence in literacy and the broader methodological failure to engage marginalised communities, especially those living on unauthorised encampments¹⁹.

Highlighting the inadequate understanding of the size of Romani and Traveller population resident in the United Kingdom, Brown, Scullion and Martin²⁰ developed a systematic inquiry that sought to obtain hard data about the number of migrant Roma at a national, regional and Local Authority level. Based on their findings, the research team estimate that in 2012 there were approximately 200,000 Roma and between 200,000 – 300,000 Romani Gypsies and Irish Travellers living in England and Wales. Combined, they estimate that the total Romani and Traveller population equated to around 400,000 – 500,000 people.

Challenges facing Romani and Traveller children in England

Research published in 2009²¹ presented evidence about the level of inequality and discrimination experienced by Romani and Traveller children in England. The information that follows has been taken from the Equality and Human Rights Commission²² and suggests that many of the challenges remain.

- Compared with the general population, Romani and Traveller children are more likely to suffer bad health. This includes lower life expectancy, high infant mortality rates and low child immunisation.
- Romani and Traveller children are less likely to achieve ‘a good level of development’ in their early years.
- Many Romani and Traveller children remain unregistered with primary health care services.

18 Office for National Statistics (2011). *2011 Census analysis: What does the 2011 Census tell us about the characteristics of Gypsy or Irish travellers in England and Wales?* Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/whatdoesthe2011censustellusaboutthecharacteristicsofgypsyoririshtravellersinenglandandwales/2014-01-21>.

19 Brown, P. Scullion, L. Martin, P. (2014): Migrant Roma in the United Kingdom and the need to estimate population size. *People, Place and Policy* 8 (1). p. 19–33.

20 *Ibid.*

21 Cemlyn S, Greenfields M, Burnett S, Matthews Z and Whitwell C (2009) *Inequalities Experienced by Gypsy and Traveller Communities: A review*, Manchester: Equality and Human Rights Commission.

22 Equality and Human Rights Commission (2016) England’s most disadvantaged groups: Gypsies, Travellers and Roma. Available at: https://www.equalityhumanrights.com/sites/default/files/ief_gypsies_travelers_and_roma.pdf.

- A lower percentage of Romani and Traveller children achieve basic qualifications in school compared with other children.
- Romani and Traveller children are among those most likely to be excluded from school. Their exclusion rates were four to five times higher than the national average.
- Romani and Traveller children are particularly vulnerable in a school setting and subjected to discrimination and bullying.
- As some Romani and Traveller children move around the country, head teachers report difficulties in accessing funding for their education, for example, the pupil premium, for new pupils.
- Romani and Traveller children live in families and communities that experience the lowest recorded economic activity in England.
- Romani and Traveller children are considerably over-represented in the criminal justice system.
- Discrimination and harassment of Romani and Traveller families is common across the UK, not only on the part of the public but also by the police and other authorities.

The context of child protection in England

Government directive requires local authorities in England to maintain an overarching responsibility for safeguarding and promoting the welfare of all children and young people. There are several statutory functions under the 1989 and 2004 Children Acts which make this clear. These duties include specific responsibilities to children in need and children suffering, or likely to suffer significant harm under sections 17 and 47 of the Children Act 1989. The Director of Children's Services and the Lead Member for Children's Services in Local Authorities are the key points of professional and political accountability, with responsibility for the effective delivery of these functions. Whilst Local Authorities play a lead role, everyone has a duty to safeguard and promote the welfare of children by:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care, and,
- taking action to enable all children to have the best outcomes.

Local agencies, including the police, education and health services, also have a specific duty under section 11 of the Children Act 2004 to ensure that they consider the need to safeguard and promote the welfare of children when carrying out their functions. Under section 10 of the same Act, a similar range of agencies are required to cooperate with Local Authorities to promote the well-being of children in each Local Authority area. This cooperation should exist and be effective at all levels of the Local Authority organisation, from strategic level through to operational delivery. However, findings from the available research into the experiences of Romani and Traveller people within child protection services demonstrate that these commitments and duties remain significantly unfulfilled, with little proactive policy

at governmental or Local Authority level, despite fragmented attempts by well-meaning or learned individual practitioners²³

As with other minority groups²⁴ but sometimes with more severe manifestations, Romani and Traveller families may experience an excess of controlling intervention and a lack of supportive services. An early monograph discussed low levels of engagement between Romani Gypsies and social services, including a de facto conspiracy to ignore them²⁵, while in contrast, other studies have highlighted over-intervention and the trauma of children being systematically removed, often permanently, from their families, thereby threatening their cultural identity²⁶ amongst other aspects of their wellbeing. Subsequent studies have found that the fear associated with this historical community experience and uncertainty and hesitation on the part of social workers and allied colleagues can perpetuate problematic relationships²⁷. Cemlyn²⁸ found that intervention mainly took the form of crisis response in child protection and youth justice, with a lack of community engagement or preventive work, leading to further alienation, mistrust, and damage.

Some studies have identified positive developments in the form of occasional specialist teams or projects and individual social work initiatives²⁹. A few local authorities are taking a proactive children's rights stance. This can be seen in relation to more measured responses to unauthorised camping³⁰; sensitive attempts by Scottish social workers to engage appropriately with the 'shifting marginalised identities' of housed Travellers³¹; and other more anecdotal evidence of efforts to work positively with Romani and Traveller families and communities. Yet, despite some examples of positive practice and committed individual initiatives, there appears to be a wider failure on the part of child protection professionals to engage with and respond sensitively to meeting children's needs.

The current structures of child protection work in England, which have moved far from any community orientation, have also failed to help child protection practitioners in the task of

23 Cemlyn S (1998) *Policy and Provision by Social Services for Traveller Children and Families: Report on research study*, Bristol: University of Bristol Press.

24 Penketh L (2000) *Tackling Institutional Racism*, Bristol: Policy Press.

25 Butler J (1983) *Gypsies and the Personal Social Services* (social work monograph), Norwich, University of East Anglia.

26 Allen, D (2016) 'It's in their Culture': Working with automatic prejudice towards Gypsies, Roma and Travellers in care Proceedings' *Seen and Heard*, 26(2) pp 40 - 52.

27 Cemlyn S (2000a) 'Assimilation, control, mediation or advocacy? Social work dilemmas in providing anti-oppressive services for Traveller children and families', *Child and Family Social Work*, 5:4, pp. 327–41.

28 Cemlyn S (2008) 'Human rights and Gypsies and Travellers: an exploration of the application of a human rights perspective to social work with a minority community in Britain', *British Journal of Social Work*, 38:1, pp. 153–173.

29 Cemlyn S, Greenfields M, Burnett S, Matthews Z and Whitwell C (2009) *Inequalities Experienced by Gypsy and Traveller Communities: A review*, Manchester: Equality and Human Rights Commission.

30 Cemlyn S (2000b) 'From neglect to partnership? Challenges for social services in promoting the welfare of Traveller children', *Child Abuse Review*, 9:5, pp. 349–63.

31 Morran D (2001) 'A forgotten minority: workers' perceptions of Scottish Travelling People', *Probation Journal*, 48:1, pp. 26–33.

sensitive engagement³². Together, this means that in a corporate context, where control is often a primary mode of engagement with local Romani and Traveller families, child protection practice may become caught up in assessments of need which remain framed by stereotypical assumption and prejudice rather than by verifiable and substantiated fact³³.

The impact of the significant damage caused by stereotypical assumption and prejudice toward Romani and Traveller families has been evidenced in several Serious Case Reviews³⁴. These reports indicate that child protection practice with Romani and Traveller families can be driven discrimination³⁵ which, underpinned by unhelpful value judgments³⁶, means that some professionals lose sight of the needs and views of Romani and Traveller children, by placing the interests of themselves first³⁷.

Though the primary purpose and function of child protection systems in England is to safeguard the welfare of children, commentators on the historical oppression of Romani and Traveller communities also suggest that Romani and Traveller children are being systematically taken away from their families at a disproportionate rate³⁸ for no other reason than that they from Romani and Traveller communities³⁹. Regarding basic human rights, this, and all other concerns that have been listed highlight a serious allegation. There are though, some conceptual tensions associated with the claims being made in the extant literature. Firstly, little is known about how many Gypsy, Roma and Traveller children are living in state care in England. Secondly, little is known about the experiences of child protection professionals who seek to protect these children, and thirdly, little is known about the lived experiences of Romani and Traveller families who experience child protection intervention themselves.

³² Allen, D., & Adams, P. (2013) *Social work with Gypsy, Roma and Traveller children*. London: British Association of Adoption and Fostering.

³³ Allen, D (2016) 'It's in their Culture': Working with automatic prejudice towards Gypsies, Roma and Travellers in care Proceedings' *Seen and Heard*, 26(2) pp 40 - 52.

³⁴ Bromley Safeguarding Children Board (2014) Child E: *Serious Case Review*: Bromley, Bromley Safeguarding Children Board.

³⁵ Eades, J (2015). A report of the Serious Case Review of the Baby John case commissioned by Essex Safeguarding Children Board. Essex, Essex Safeguarding Children Board.

³⁶ Oulton, J (2008) *Serious Case Review 0609*. Gloucestershire: Gloucestershire Local Safeguarding Children Board.

³⁷ Harrington, K (2014). *Serious Case Review: Family A*. Southampton: Southampton Local Safeguarding Children Board.

³⁸ Fraser A (1995) *The Gypsies*, Oxford: Blackwell Publishers.

³⁹ McVeigh J (1997) 'Theorising sedentarism: the roots of anti-nomadism', in Acton T (ed) *Gypsy Politics and Traveller Identity*, Hatfield: University of Hertfordshire Press.

4 Methodology

“Effective safeguarding systems are child centred. Failings in safeguarding systems are too often the result of losing sight of the needs and views of the children within them, or placing the interests of adults ahead of the needs of children.”⁴⁰

To shed further light on the conceptual tensions associated with child protection and Romani and Traveller families, this study set out to consider the scale and nature of child protection intervention with Romani and Traveller children living in England. It aimed to achieve the following objectives:

1. Highlight the principal reasons for child protection involvement with Romani and Traveller children;
2. Map the placement type and legal status of Romani and Traveller children involved in child protection systems;
3. Examine the reasons for the placement of Romani and Traveller children in state care;
4. Explore how child protection professionals describe their work with Roma children; and,
5. Include the experiences of families who have experienced child protection involvement.

To meet these objectives, data was collected in three discrete stages.

Stage One: Desk-based review and initial member consultation

Beginning in September 2016, the research team conducted a systemic desk-based review of the relevant laws, social policies and relevant research regarding the scale and nature of child protection with Romani and Traveller children. A series of Freedom of Information requests were also issued to the Department of Education so that a statistical summary and synopsis of the most prominent issues could be considered.

During this initial phase, the research team began to liaise with Local Government departments across all regions in England. These early meetings established crucial networks and enabled the fieldwork research design to be developed. It is noteworthy that these meetings identified several limitations in the initially proposed methodology. Instead of permitting the research team to review case files and conduct one-to-one interviews, Local Authorities agreed that they might be more able to agree to support the study if the research team offered a continuous professional training event and built research and data collection into the delivery of the same.

With the permission of the University of Salford, a continuous professional training and research event was designed specifically for child protection professionals. The training was

⁴⁰ Her Majesty's Government (2015) Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children. London: HMSO.

entitled ‘Working Together to Safeguard Romani and Traveller children’ and it was provided to five Local Authorities. Two training events were delivered in the North-West of England, two were delivered in the West Midlands, and one was delivered in the in the South West of England. The five regions were deliberately chosen so that child protection training could be delivered to a cross-section of child protection practitioners from the various authorities in that area enabling a preliminary national picture of the scale and nature of child protection with Romani and Traveller children living in England to be presented.

Between January 2017 and July 2017, the research team delivered training to 155 child protection professionals. These included social workers, family support workers, youth offending officers, school nurses, teachers, youth and community workers, and housing officers.

Stage two: Pre-training surveys, vignettes, and focus group interviews

Following full ethical approval from the University of Salford, data was collected in three ways. First, child protection professionals who had registered for the training were sent a pre-test questionnaire (see appendix 1). Of the 155 people who registered for the training and research event, 137 people completed the pre-test questionnaire. Data gathered through this method presented information on individual experiences of working with Romani and Traveller families and helped ascertain the concepts or competencies that the training should consider. The **pre-test questionnaire** was also important because each region reported working with different communities. For example, the child protection professionals in the North-West of England focused their work almost entirely with Roma, whilst child protection professionals in the West Midlands and South-East worked mainly with Irish Travellers, Romani Gypsies, and New Travellers⁴¹.

The second method of data collection used a vignette technique (see appendix 2) to elicit the attitudes and beliefs that child protection professionals might have about working to safeguard Romani and Traveller children. Used to investigate potentially sensitive issues such as racism and discrimination, the vignette technique provided an initial reference point that allowed child protection professionals to speak about their thoughts and feelings. The vignette was also used to facilitate opportunities for critical reflection during focus group interviews.

The third method of data collection was a focus group interview. During the afternoon of the training and research event, the child protection professionals were split into two groups. These groups then went into separate and private rooms. As the research team was facilitating the training, the focus group interview was led by a senior member of the Local Authority child protection workforce or staff development team. Focus group interviews were recorded

⁴¹ The term “New Traveller” is used to describe a community that lives as Travellers but who are not generally from a Romani Gypsy, Irish Traveller, Scottish Gypsy/Traveller or Welsh Gypsy background. While the word “New” denotes a community of people originating mainly from the settled UK population, not all New Travellers would use this term and may simply refer to themselves as “Travellers” or “vehicle-dwellers”. Others might avoid the term “Traveller” altogether, due to negative or confusing anti-Traveller stereotypes.

onto a digital Dictaphone for transcription and analysis. Each focus group lasted for one hour and each followed the same semi-structured interview schedule (see appendix 3). A table indicating the number of child protection professionals who contributed to the focus group interviews is presented in Table 1.

Table 1: Number of people participating in focus group interviews per region

Region	Number of Participants per focus Group
North West Local Authority 1	Focus Group 1: 15 Focus Group 2: 16
North West Local Authority 2	Focus Group 3: 16 Focus Group 4: 15
West Midlands Local Authority 3	Focus Group 5: 16 Focus Group 6: 15
West Midlands Local Authority 4	Focus Group 7: 15 Focus Group 8: 15
South East Local Authority 5	Focus Group 9: 16 Focus Group 10: 15
	Total number of participants: 155

Analysis

Pre-training questionnaires and focus group interview data was then analysed using the fundamental steps of thematic qualitative data analysis method⁴². First, interview data were transcribed and organised based on interviewees’ demographic characteristics. Second, the research team reviewed interview transcripts repetitively to immerse in the data and become familiar with the collected information. Third, recurring ideas or languages in interview data were identified as salient themes. Fourth, salient themes were coded using abbreviations of keywords. Fifth, the research team combined all coded themes, examined interrelations among them, and established integrative interpretations. Sixth, the research team searched alternative explanations of study findings and examined whether the initial interpretation was the most plausible. Finally, the research team organised the findings into the four most salient themes to emerge from that data analysis.

Where direct quotes from the qualitative stage of the research are used in this report, the authors have attributed them to individuals who attended the focus groups but coded them to ensure we protect the anonymity of those who participated. These are presented by the region where the focus group took place.

Stage three: Case studies

As a broad and preliminary study, the research team did not have the practical resources to interview Romani and Traveller people who have experienced child protection involvement.

⁴² Attride-Stirling, J. (2001). Thematic networks: an analytic tool for qualitative research. *Qualitative Research*, 1(3), 385-405.

Instead, people's experiences are presented as case studies. They are anonymised but not analysed. It is recognised that words presented by people who have experienced child protection intervention should speak for themselves.

5 The Scale and Nature of Child Protection With Romani and Traveller Children in England

“Practitioners should be rigorous in assessing and monitoring children at risk of neglect to ensure they are adequately safeguarded over time. They should act decisively to protect the child by initiating Care Proceedings where existing interventions are insufficient.”⁴³

Key findings

The impact of prejudice towards Romani and Traveller communities in the UK has been cited as a contributory factor in child protection that includes the removal of children into state care⁴⁴. Until 2009, it was not possible to comment on this allegation as statistical data on the number of these children who had been taken into state care did not exist. To some extent, it is still not easy to comment with great accuracy on this situation because, except for data from England and Northern Ireland, there is no ‘official’ Government sanctioned data sets on the proportion of Romani and Traveller children living in state care in the UK. In this section, the data being presented has been provided through and reliant upon a series of Freedom of Information requests to the Department of Education in England.

The data presented here provides information on the reasons why a Romani or Traveller child is living in state care in England, their legal status, and placement type. **This information does not include data on private fostering arrangements, adoption or on how many Romani and Traveller children are receiving organised examples of family support.** This key information could be obtained through further Freedom of Information requests and form the basis of a subsequent inquiry.

Before moving on to view the data provided by the Department of Education, it is important to note that in each data set, Romani (English) Gypsies and Roma are the labelled together as ‘Gypsy/Roma’. Irish Travellers are referred to as ‘Travellers of Irish Heritage’. Despite the positive move to include Romani and Traveller children in this data gathering, the format for doing so falls short of what is required. The terms used for their ethnic compartmentalisation – ‘Gypsy/Roma’ and ‘Traveller of Irish heritage’ – are problematic. The clear inadequacy presented in both returns is the failure to include Romani Gypsies, Roma, Scottish Gypsies/Travellers, Welsh Gypsies, Showmen and Circus People, Boat People and New Travellers, all of whom are distinct groups within the UK. This means that the numbers who make up the wider ‘Romani and Traveller’ community remain unknown. Furthermore, failing to distinguish the term ‘Gypsy’ and ‘Roma’ means that we cannot determine accurate numbers for either group because their own sense of identity and separateness from one another is not represented.

⁴³ Her Majesty’s Government (2015) Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children. London: HMSO.

⁴⁴ Allen, D (2016) ‘It’s in their Culture’: Working with automatic prejudice towards Gypsies, Roma and Travellers in care Proceedings’ Seen and Heard, 26(2) pp 40 - 52.

Representation in child protection

If at any time it is considered that the child may be a child at risk of significant harm, the Working Together to Safeguard Children policy⁴⁵ requires child protection professionals, with the help of other organisations as appropriate, to make enquiries under section 47 of the Children Act 1989. To understand the scale of child protection with Romani and Traveller children in England, Tables 2 and 3, show the number of section 47 (Children Act 1989) assessments carried out between 2014 and 2016 following a referral where allegations or concerns of mistreatment have been made.

Table 2: Section 47 enquiries, initial child protection conferences and protection plans for Gypsy/Roma

Stage of intervention	Year	
	2014-15	2015-16
Number of children subject to S47 enquiries	830	910
Number of children who were the subject of an initial child protection conference	320	400
Children who were the subject of a child protection plan	260	360

Table 3: Section 47 enquiries, initial child protection conferences and protection plans for Traveller of Irish Heritage

Stage of intervention	Year	
	2014-15	2015-16
Number of children subject to S47 enquiries	320	380
Number of children who were the subject of an initial child protection conference	170	160
Children who were the subject of a child protection plan	80	80

Once a referral is received, the assessment process used to determine and substantiate whether a child is at risk of significant harm or not is usually related to a range of evidence-based factors. These include the Working Together to Safeguard Children policy that provides a definition of “harm” and any related procedure or method for assessing risk. In assessing risk, child protection professionals must consider a balance of probabilities to estimate how harmful a child’s situation might be. Underestimating risk can increase the rate of false negative assessments.

⁴⁵ Her Majesty’s Government (2015) Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of children. London: HMSO.

As shown in the Southampton Serious Case Review into child protection practice with a family of Irish Travellers⁴⁶, for instance, a false negative is evidenced when the significance of risk is misjudged because of low expectations and culturally relativist reactions associated with the Rule of Optimism⁴⁷. The Rule of Optimism is a term used to describe the occasion when child protection professionals become reluctant to intervene in family life, placing over-optimism upon the care of the child and situation, when intervention may be necessary.

Considering the populist attention given toward child protection professionals who are blamed for failing to protect children, there has been a growing social concern and increasing political pressure to ensure that false negative assessments are prevented⁴⁸. The need to avoid false negatives in child protection assessments is so serious in England that in 2016 the government proposed plans to jail child protection professionals for a maximum of five years if they failed to take appropriate action to protect a child from abuse or neglect. These plans are still being considered for inclusion in the Criminal Justice and Courts Act 2015⁴⁹.

According to Mansell et al., the result of the growing socio-political pressure on child protection professionals has led to an organisational culture where child protection professionals, and the systems within which they operate, are becoming increasingly risk-averse. As a result, false negatives have been replaced false positives (the over-estimation of risk) because any uncertainty about a child's welfare could be used to justify formal child protection assessment. This shift in culture can be seen in the figures presented in Tables 2 and 3 above. In fact, false positives and uncertainty **appear to characterise the relationship between Romani and Traveller families and child protection systems in England more generally.**

Table 2 shows that in 2016, only 39 percent of all Gypsy/Roma children who were assessed under section 47 of the 1989 Children Act were found to be at risk of significant harm. Table 3 shows that in the same year, only 21 percent of all Traveller of Irish Heritage children who were assessed under section 47 of the 1989 Children Act were found to be at risk of significant harm. In both examples, there is evidence to suggest that over two-thirds of all Romani and Traveller children assessed by Local Authority children's social care services were therefore not at seen to be at risk of significant harm in 2016 once an assessment had been completed.

The increasing sense of uncertainty and the number of false positives seen in the figures presented above are mirrored in child protection approaches in England more generally. In 2015, for instance, 160,200 section 47 inquiries were undertaken. In 2016, this number rose by 7 percent to

46 Harrington, K (2014). Serious Case Review: Family A. Southampton: Southampton Local Safeguarding Children Board.

47 Dingwall R, Eekelaar J and Murray T (1983) *The Protection of Children: State intervention and family life*, Oxford: Blackwell.

48 Munro, E (2010) *The Munro Review of Child Protection Part One: A Systems Analysis*. Available at: http://www.uea.ac.uk/documents/13885566/13886757/TheMunroReview-Part_one+A+systems+analysis.pdf/9f806ac6-442b-4ba3-ae98-1457d02ba90a.

49 Currently, a criminal charge for wilful neglect – as introduced in the Criminal Justice and Courts Act 2015 – only applies to professionals who work in adult social care and health workers providing care for adults and children.

172,290. In 2015, 43 percent (N 49,700) of all children assessed under section 47 were found to be at risk of significant harm. In 2016 this figure reduced to 29 percent (N 50,310)⁵⁰.

Whilst it is essential that child protection professionals respond to referrals to assess the validity of alleged risk, prevent child maltreatment and to stop it quickly when it happens, it is important to recognise the stress and anxiety that the official involvement of child protection professionals might also cause for the two thirds of children who were formally assessed under section 47, but who are not at risk of harm. It is also important to consider the impact that such involvement might have on families in England and their ability to ask for support when it might be genuinely needed.

The number of Romani and Traveller children in state care

Since the 1970s there has been a growing documented concern about the systematic removal of Romani and Traveller children into the state care system⁵¹. Evidence to support this claim has been reported in the following countries, former Czechoslovakia⁵²; Italy⁵³; Austria, France, and Germany⁵⁴; Norway and Switzerland⁵⁵; the Republic of Ireland⁵⁶; England⁵⁷; Bulgaria, Czech Republic, Hungary, Romania, Slovakia,⁵⁸ Greece, the Netherlands, Poland, and Sweden⁵⁹. However, substantiating these allegations with empirical data has been problematic because, apart from government data in England and Northern Ireland, minimal information is available to inform a confident understanding of the actual number of Romani and Traveller children living in state care throughout Europe.

The reason cited for this shortage of information is reflected in the various European constitutional privileges which prohibit data regarding ethnicity to be collected. Whilst the avoidance of ethnic identification might serve to reduce discrimination, it also presents a significant barrier to the importance of understanding how many Romani and Traveller children are

50 Department of Education (2016) Characteristics of children in need: 2015 to 2016. Available at: <https://www.gov.uk/government/statistics/characteristics-of-children-in-need-2015-to-2016>.

51 Liegeois J-P (1986) *Gypsies: An illustrated history*, London: Al Saqui Books.

52 Guy, W. (1975). Ways of looking at Roms: the case of Czechoslovakia. in Rehfish (Ed) *Gypsies, Tinkers and Other Travellers*. London: Academic Press.

53 Mayall, D. (1995). *English Gypsies and State Policies*, Hatfield: University of Hertfordshire Press.

54 Liegeois J-P (1986) *Gypsies: An illustrated history*, London: Al Saqui Books.

55 Meier, T. (2008). The fight against the Swiss Yenish and the 'Children of the open road' campaign. *Romani Studies*, 18(2), 101-121.

56 Pemberton, D. (1999). Fostering in a minority community: Travellers in Ireland, in R. Greeff (ed.), *Fostering Kinship: An International Perspective on Kinship Foster care*, Aldershot, Ashgate, pp. 167-180.

57 Cemlyn S and Briskman L. (2002) 'Social welfare within a hostile state', *Social Work Education*, 21:1, pp. 49-69.

58 European Roma Rights Centre. (2011.) *A Life Sentence: Romani Children in Institutional care*. Budapest: European Roma Rights Centre.

59 Brunnberg, E., & Visser-Schuurman, M. (2015). The methodology of focus groups on children's rights composed of children in vulnerable situations. A comparative study conducted with children in Bulgaria, Greece, Hungary, Ireland, the Netherlands, Poland, Sweden and the UK, *Golden Research Thoughts*, 2015, Vol.4(7), pp.1-8.

living in state care. This means that, apart from census data in England and Northern Ireland, Romani and Traveller people are often homogenised within Eurocentric datasets which then makes it difficult to substantiate or refute the claim that children from these communities are overrepresented in state care systems across Europe.

Within the English context, Table 4 shows the number of children identified as ‘Travellers of Irish Heritage’, and ‘Gypsy/Roma’ in care since 2009, the first year that these ethnic groups were recorded (see Table 4).

Table 4: Number of Gypsy/Roma and Traveller children living in state care in England 2009 – 2017

Ethnicity	Year								
	2009	2010	2011	2012	2013	2014	2015	2016	2017
Traveller of Irish Heritage	20	30	50	50	70	70	80	90	100
Gypsy/Roma	30	50	90	120	190	210	260	280	310

Although the recorded numbers are low, there has been a significant and disproportionate growth compared to other ethnic groups over the same periods of record-keeping. Whilst the increase in numbers pertaining to ‘Gypsy/Roma’ could be explained by the alleged growing number of migration of EU citizens, including Roma, to the UK, the actual reasons are unknown. It could conversely be argued that these figures are in fact an underestimate of the actual situation. It is recognised, for example, that Romani and Traveller people often choose not to self-identify, against a background of public hostility to their identity⁶⁰ and this might certainly be true in matters relating to child protection.

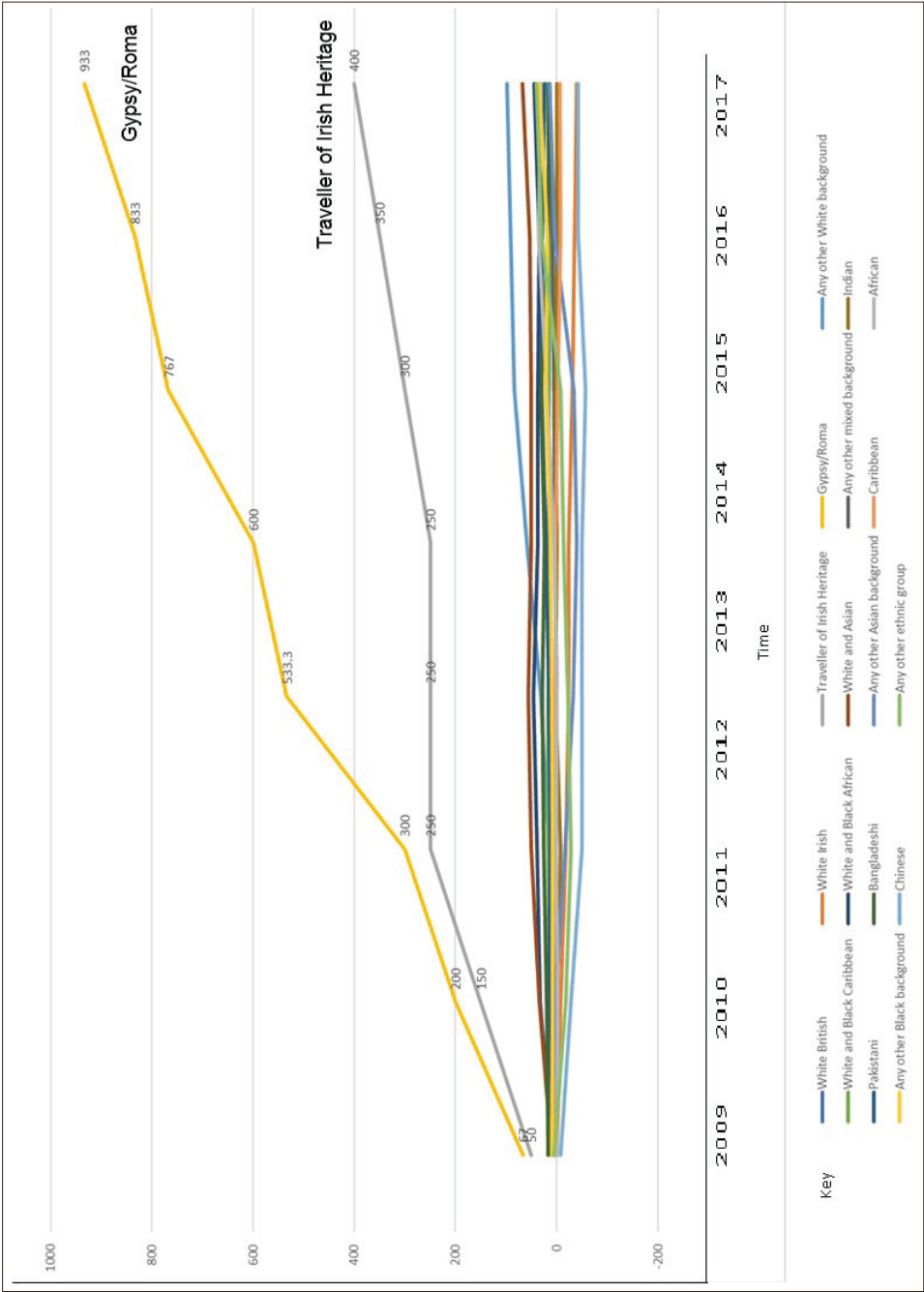
Focussing on disproportionate growth, Table 5 uses data that is publically available through the Department for Education to present the increase and decrease in the number of all children living in state care in England as a percentage. Figure 1 then presents an illustration of these figures as a percentage. It shows that although the number of children living in state care in England has increased on average by 19 percent since 2009, the number of ‘Travellers of Irish Heritage’ living in state care has risen by 400% and the number of ‘Gypsy/Roma children’ living in state care has risen 933%.

60 Cemlyn, S & Allen, D (2016) ‘Outreach: care experiences amongst Gypsy/Traveller families’, in: Williams, C & Graham, M (eds.), Social work in a diverse society: Transformative practice with black and ethnic minority individuals and communities, Bristol: Policy Press pp 161-180.

Table 5: The changes to the number of children living in public care in England 2009 - 2017 presented as a percentage

Ethnicity	Year								
	Actual Number in 2009	Percentage change +/-							
		2010	2011	2012	2013	2014	2015	2016	2017
All Children	60,900	6	8	10	12	13	14	16	19
White British	44,500	6	7	12	14	15	16	14	14
White Irish	390	0	-8	-18	-23	-23	-31	-35	-40
Traveller of Irish Heritage	20	50	150	250	250	250	300	350	400
Gypsy/Roma	30	67	200	300	533.3	600	767	833	933
Any other White back-ground	1,400	7	2	16	31	59	84	91	99
White and Black Caribbean	2,000	0	14	17	16.5	13	17	14	19
White and Black African	480	8.3	33	39	46	38	37	35	45
White and Asian	760	10	34	50	56	51	51	54	68
Any other mixed back-ground	2,000	5	7	2	0	4	5	8	14
Indian	300	7	0	-7	3	0	3	0	0
Pakistani	670	10	15	13	15	21	30	29	24
Bangladeshi	350	17	20	26	29	24	32	17	15
Any other Asian back-ground	1,600	6	2	-16	-32	-39	-34	4	14
Caribbean	1,500	6.6	8.6	3.3	2	2.6	-1.3	-8	-6
African	2,100	0	-1.4	0.4	-0.4	5.2	20	36.1	32
Any other Black back-ground	760	10	9	9	10	13	21	18	34
Chinese	140	-7	-28	-50	-50	-50	-57	-42	-43
Any other ethnic group	1,700	6	-18	-28	-22	-14	-8	30	41

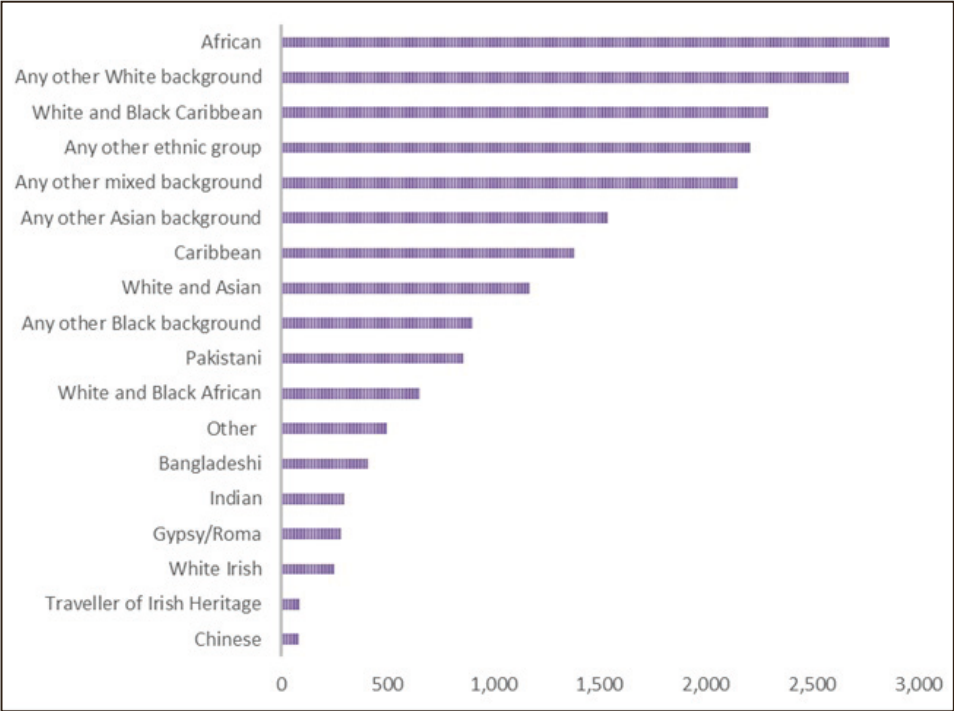
Figure 1: Disproportionate percentage increase in the number of Romani and Traveller children living in public care in England from 2009 to 2017



The increases that are illustrated in Figure 1 are clearly inconsistent with National trends. The above table shows how the percentage increase in the number of Romani and Traveller children living in state care in England is higher than the equivalent National averages.

Children living in state care in England are predominantly ‘White’ (47 percent). Children of Mixed ethnicity are the next largest group (9 percent) followed by ‘Black’ or ‘Black British’ (7 percent), ‘Asian’ or ‘Asian British’ (4 percent) and other ethnic groups (3 percent). Children recorded as ‘Gypsy/Roma’ and ‘Traveller of Irish Heritage’ are two of the numerically lowest ethnic minority groups of children living in state care (see table 6).

Table 6: Number of Black and Minority Ethnic children living in state care in England 2017



Together children recorded as ‘Gypsy/Roma’ and ‘Traveller of Irish Heritage’ comprise 5.5 percent of all ethnic minority children and 0.52 percent of the total state care population. However, if the percentage increase is compared to other ethnic groups of children who come from a similarly sized population (see Table 7), the disproportionate rise in the number of ‘Gypsy/Roma’ and ‘Travellers of Irish Heritage’ children coming into state care since 2009 becomes clearer.

Table 7: Number of children entering state care from Irish Traveller, Gypsy/Roma, Irish, Chinese, Indian and Bangladesh communities from 2009

	2009	2010	2011	2012	2013	2014	2015	2016	2017
Traveller of Irish Heritage	20	30	50	50	70	70	80	90	100
Gypsy/Roma	30	50	90	120	190	210	260	280	310
Irish	390	390	360	320	300	300	280	250	230
Chinese	140	130	100	70	70	70	60	80	80
Indian	300	320	300	280	310	300	300	300	300
Bangladesh	350	410	420	440	450	470	470	420	410

Figure 2: Line Chart showing disproportionate increase of Irish Traveller and Gypsy/Roma compared to Irish, Chinese, Indian and Bangladesh communities from 2009

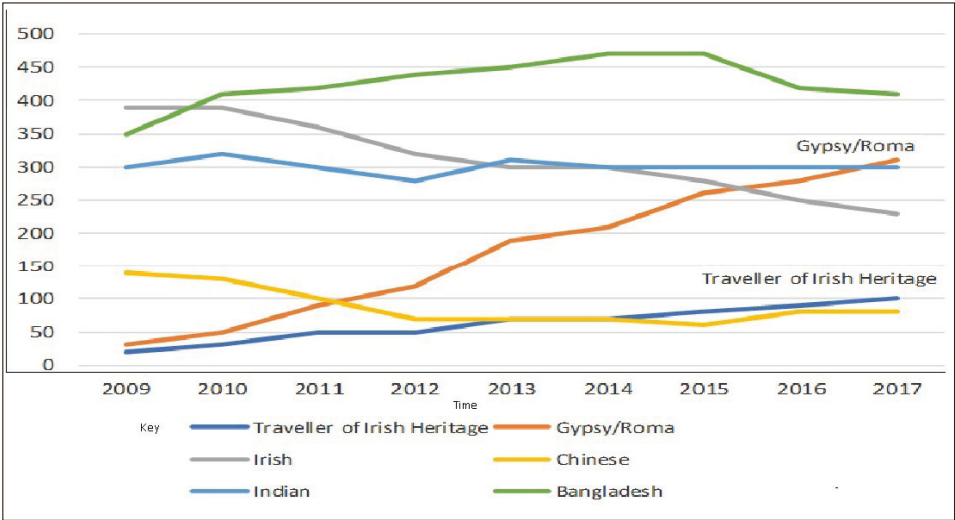


Figure 2 provides a useful illustration of the disproportionate increase in the number of Romani and Traveller children being taken into state care compared to other ethnic groups with a similar population size. Whilst the number of ‘Irish’ children, ‘Chinese’ children and ‘Indian’ children living in state care has dropped since 2009, the number of ‘Bangladesh’ children living in state care has increased by 17 percent (N60). The number of ‘Gypsy/Roma’ has increased by 933 percent (N280) and the number of ‘Traveller of Irish Heritage’ has increased by 400 percent (N80) since 2009.

State care according to region

Table 8 shows at the regional level, Yorkshire and Humber, the West Midlands and the South East have significantly higher numbers of Gypsy/Roma children living in state care than the North East, The North West, The East Midlands and the South West. Table 9 shows that

London has the highest number of Irish Traveller children living in state care than anywhere else in the country⁶¹.

Table 8: Number of Gypsy/Roma children in state care per Region

Region	2009	2010	2011	2012	2013	2014	2015	2016
North East	X	X	X	X	X	5	5	X
North West	10	10	10	10	10	10	20	20
Yorkshire and Humber	10	10	20	20	50	50	50	80
East Midlands	X	X	X	X	X	X	20	20
West Midlands	X	X	10	10	30	30	30	40
East of England	X	10	10	20	30	30	40	30
London (Inner and Outer)	10	10	10	30	40	30	30	30
South East	10	20	20	20	40	40	40	50
South West	X	10	10	10	10	10	10	10

Table 9: Number of Travellers of Irish heritage children in state care per Region

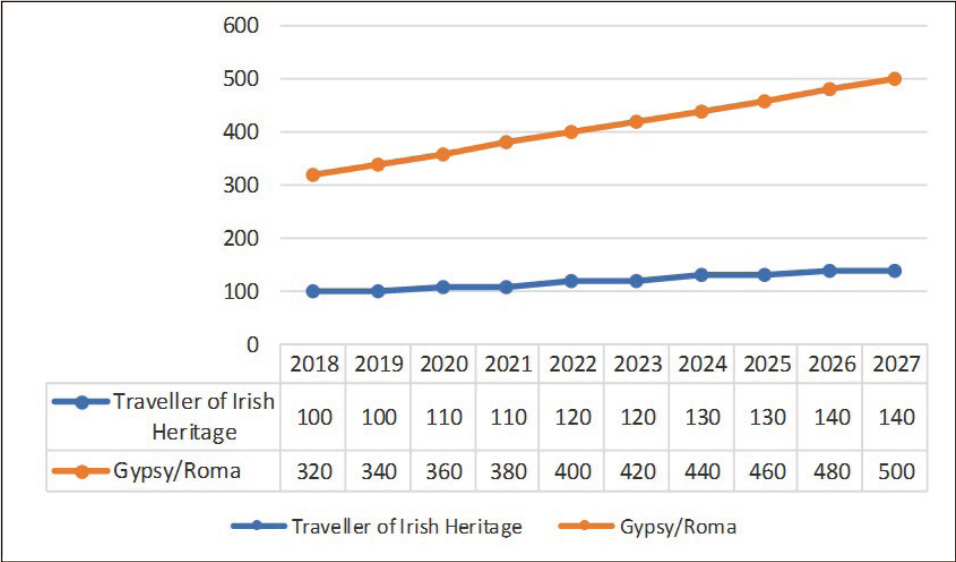
Region	2009	2010	2011	2012	2013	2014	2015	2016
North East	0	0	X	X	X	X	X	X
North West	10	10	10	10	10	20	10	10
Yorkshire and Humber	X	10	10	X	10	10	10	10
East Midlands	X	0	0	X	X	X	10	X
West Midlands	X	X	X	X	10	10	10	10
East of England	X	X	X	X	X	X	10	10
London (Inner and Outer)	10	10	10	10	30	30	30	40
South East	X	10	10	10	10	10	10	10
South West	X	X	X	X	X	X	X	10

Predicting an increase in children Romani and Traveller living in State care

There is no level of certainty with regards to projecting the future number of children living in state care in England. The decision to take a child into care should be based on a wide-ranging assessment of individual circumstances family and wider environmental factors. However, population projections indicate that if the rate of ‘Gypsy/Roma’ and ‘Travellers of Irish Heritage’ children coming into state care in England remains the same, by 2027 there could be 230 more children living in state care than at March 2017 (see table 10). The predicted figures below are also likely to alter to reflect the increase or decrease in the numbers of Roma children moving to and leaving England. It is unknown at the time of writing, for example, how Brexit policy and any sanctions that are imposed will limit free movement.

⁶¹ The Numbers presented in Tables 8 and 9 have been rounded to the nearest ten by the Department of Education. X indicates redacted datasets concealed by the Department of Education to protect the confidentiality of the children living in that locality.

Table 10: Predicted increase in the number of Gypsy/Roma and Traveller of Irish Heritage children living in state care in England up to 2027



Reasons why Romani and Traveller children are living in state care

The alleged and recorded reasons why Romani and Traveller children are living in state care range from abuse and neglect through to a need to offer parents or children a short break. Table 11 and 12 shows the “category of need” (the reason a child protection professional became involved with a child) associated with children before they were moved into state care. In 2016, the main reason why child protection professionals first engaged with ‘Gypsy/Roma’ and ‘Traveller of Irish Heritage’ children were related to concerns about abuse or neglect, with family-related issues making up the rest of cases.

Table 11: Category of need ‘Gypsy/Roma’ in 2016

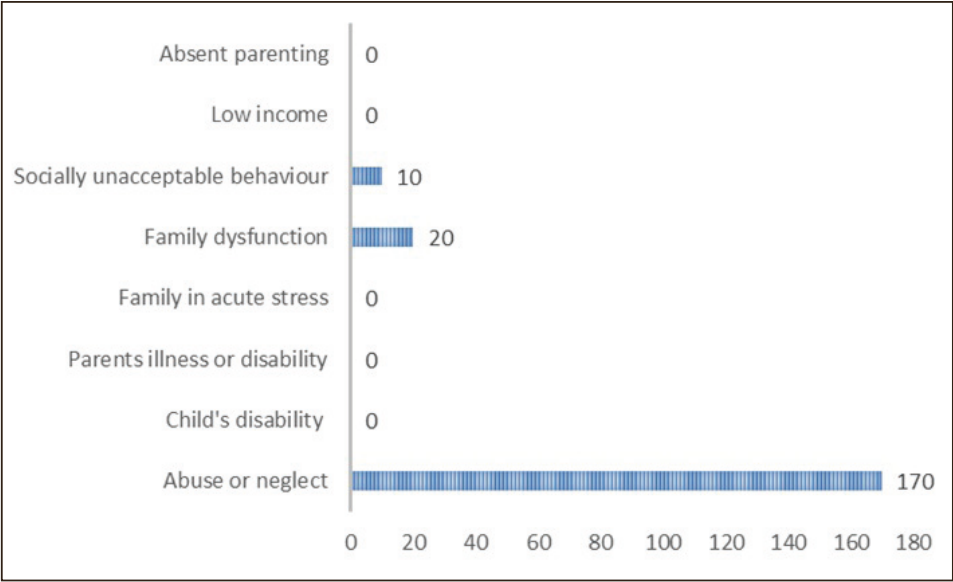
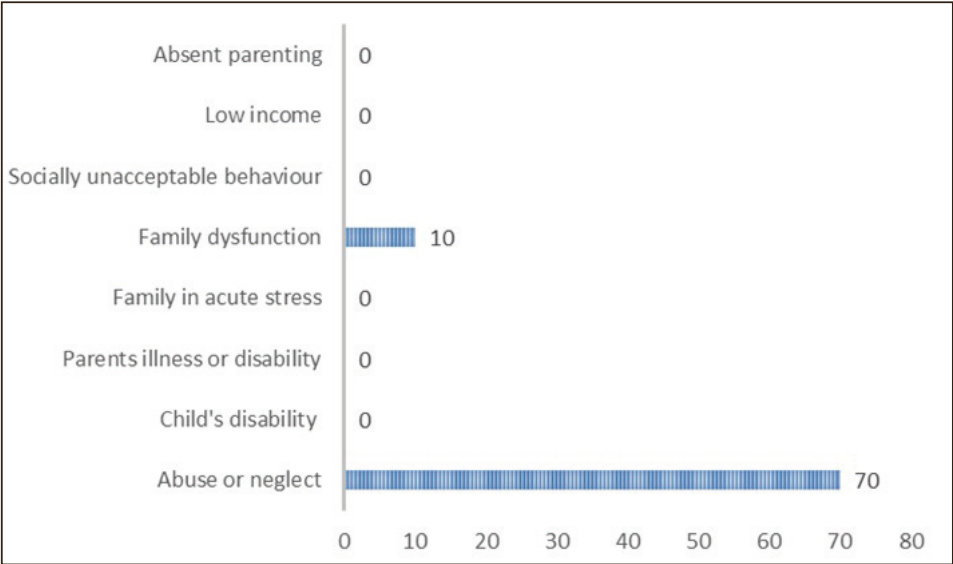


Table 12: Category of need ‘Traveller of Irish Heritage’ in 2016



According to the Working Together to Safeguard Children policy, abuse is defined as:

“a form of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting by those known to them or, more rarely, by others (e.g. via the internet). They may be abused by an adult or adults, or another child or children”.

Neglect, on the other hand, is:

“The persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- *provide adequate food, clothing, and shelter (including exclusion from home or abandonment);*
- *protect a child from physical and emotional harm or danger;*
- *ensure adequate supervision (including the use of inadequate care-givers); or*
- *ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs.”*

Assessing abuse and neglect is complex and children and families often need a coordinated approach from child protection professionals through an inter-agency assessment. These assessments, such as the Common Assessment Framework, should identify what help the child and family require to either prevent unmet needs escalating or to intervene with statutory services under the Children Act 1989. However, as will be shown in section 4 of this report, the presence of professional fear that can be constructed by misapprehension and a lack of professional competence and an overt presence of discrimination, can lead some child protection professionals to assume Romani and Traveller children are experiencing ‘some form of abuse or neglect’ before an assessment has been completed. Overt discrimination provides a further opportunity for false positives.

It is important at this juncture to consider the processes whereby children are placed into state care once it has been decided by the child protection professional that the child would be at risk of significant harm if left with their parent or carer.

Routes into State care in England

In legal terms, children generally enter state care in England through three main routes. These are:

- Interim Care Order or Full Care Order made by the courts under section 38 or 31 of the Children Act 1989⁶²
- Voluntary accommodation arrangements under section 20 of the Children Act 1989⁶³
- Emergency protection or Police protection or involvement with the youth justice system⁶⁴

⁶² Where a child is made subject to a care order, the local authority is given parental responsibility and will share it with current parental responsibility holders, for example, the child’s parents. However, the Local Authority can limit the ability of persons to exercise their parental responsibility insofar as necessary to safeguard the child.

⁶³ Section 20 Provision of accommodation for children states that every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—
(a) there being no person who has parental responsibility for him;
(b) his being lost or having been abandoned; or
(c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.

⁶⁴ In emergency situations, where there is not enough time to get an Emergency Protection Order, the police can act to protect a child.

In relation to these three routes into state care in England, there exists some concern that some child protection professionals might be using legal processes enabled in Section 20, of the 1989 Children Act, to remove Romani and Traveller children from their families and communities through coercion.

Given the powers enabled by section 20 (c), a family member or a child over 15 years can request a support from the state care system. Child protection professionals are then able to remove a child from a family home so long as the family agree and consent that they are unable to care for the child. In situations where there is concern about the child's welfare, failure to agree or consent to section 20 will invariably mean that the Local Authority will commence pre-proceedings work under the Public Law Outline⁶⁵ and make an application to the court to remove the child under section 31 or 38 of the Children Act 1989.

For some commentators, including Mr Justice Munby⁶⁶, the powers granted under section 20 mean that law can be misused. Whilst section 20 should be used to provide the *least interventionist approach to child care practice*, it can also be used by child protection professionals to avoid the cost Care Proceedings by coercing parents to agree that their child can be taken from their care voluntarily. This often means that the child can remain in long-term state care with no hope of restoration to their family. As Romani and Traveller people are reported to feel threatened, powerless and intimidated by statutory involvement in family life⁶⁷, there is a concern that section 20 may be used to place Romani and Traveller children in state care without the need for Care Proceedings⁶⁸. However, the numbers made available through a Freedom of Information request to the Department of Education (see Table 13 and 14) do not support this hypothesis.

Table 13: Final Legal Status Travellers of Irish Heritage 2009-2016⁶⁹

	2009	2010	2011	2012	2013	2014	2015	2016
Care Orders	20	30	40	40	60	40	50	60
Placement Order granted	0	X	X	X	X	10	10	10
Voluntary agreements under S20 CA 1989	10	10	10	X	10	10	10	10
Youth Justice	0	0	0	0	X	10	X	X
Detained for child protection		0	0	0	0	0	0	0

⁶⁵ The Public Law Outline (PLO) sets out the duties local authorities have when thinking about taking a case to court to ask for a Care Order to take a child into state care.

⁶⁶ R (G) v Nottingham City Council [2008] EWHC 400 (Admin) Available at: <http://www.familylawweek.co.uk/site.aspx?i=ed151539>.

⁶⁷ Allen, D (2017) 'Is Discrimination Natural: Social Work with Roma children and Families', in: Bhatti-Sinclair, K & Smeathurst, C (eds.), Social Work Skills, Policy Press, Bristol, UK.

⁶⁸ Allen, D., & Adams, P. (2013) *Social work with Gypsies, Roma and Traveller children*. London: British Association of Adoption and Fostering.

⁶⁹ Numbers have been rounded to the nearest ten by the Department of Education. X indicates redacted data from the original source.

Table 14: Final Legal Status Gypsy/Roma 2009-2016⁷⁰

	2009	2010	2011	2012	2013	2014	2015	2016
Care Orders	20	50	70	90	130	150	200	220
Placement Order granted	X	X	10	20	40	50	20	30
Voluntary agreements under S20 CA 1989	20	20	20	20	30	30	40	30
Youth Justice	0	0	X	0	0	X	X	X
Detained for child protection	X	0	0	0	0	0	X	0

By showing a numerical indication of the route into state care, the numbers presented above suggest that the majority of ‘Gypsy/Roma’ and ‘Traveller of Irish Heritage’ children who enter state care do so following Care Proceedings, usually held in either a Family Court or in more complex situations a High Court, not under section 20. This finding is crucially important because Care Proceedings reduce the opportunity for correction and require a court to make a Care Order based on verifiable evidence, thus taking the power, and concern that section 20 is being misused, away from child protection professionals.

The suggestion that Romani and Traveller children enter into state care in England following Care Proceedings does not mean, however, that the decisions being made are based on reliable and verifiable evidence, or that they are in the child’s best interests. As will be shown in the qualitative research findings and case studies presented below, false positives (the over-estimation of risk) foregrounded in socio-political pressures, racism and discrimination can still be used to justify the removal of Romani and Traveller children from their parents and communities. In other words, institutional racism can undermine and discredit legal systems and procedural safeguards at each stage of the child protection process.

Whilst Care Proceedings should ensure that all decisions promote and prioritise the welfare of the child, four Serious Case Reviews⁷¹ indicate that child protection practice with Romani and Traveller children can be driven by examples of discrimination which, underpinned by unhelpful value judgements, including the words ‘it’s in their culture’, can lead to biased decisions. Whilst Care Proceedings should include careful consideration of the child’s views and wishes, emerging evidence suggests that decisions do not always achieve this either⁷². In Care Proceedings, **children can be separated from their families and communities in the belief that the ‘conceptual Gypsy’ culture is the primary object of concern**⁷³. Here a discriminatory judgment of

70 Numbers have been rounded to the nearest ten by the Department of Education. X indicates redacted data from the original source.

71 Bromley Safeguarding Children Board (2014) Child E: Serious Case Review: Bromley, Bromley Safeguarding Children Board. Eades, J (2015). A report of the Serious Case Review of the Baby John case commissioned by Essex Safeguarding Children Board. Essex, Essex Safeguarding Children Board. Oulton, J (2008) Serious Case Review 0609. Gloucestershire: Gloucestershire Local Safeguarding Children Board. Harrington, K (2014). Serious Case Review: Family A. Southampton: Southampton Local Safeguarding Children Board.

72 Allen, D (2016) ‘It’s in their Culture’: Working with automatic prejudice towards Gypsies, Roma and Travellers in care Proceedings’ Seen and Heard, 26(2) pp 40 - 52.

73 Allen, D (2015). Protecting the cultural identity of Gypsy, Roma and Traveller children living in the public care system, *Today’s Children Tomorrow’s Parents* 40-41(1) pp 122-139.

the child protection professional can contaminate each stage of the child protection process, including the judicial system. Frequently the decisions that are made about a child's welfare are solely reliant upon the child protection professional's factual, just and fair information. Again, this argument will be developed further in section 8 of this report because the information provided by child protection professionals who took part in this study suggest that some of the information provided in decision-making forums can be neither of these things.

Care Proceedings also disadvantage Romani and Traveller children and families who often find it difficult to enlist legal representation in matters related to private family law. Cemlyn and Allen⁷⁴ report that many Romani and Traveller families can be so intimidated, confused and ashamed of child protection involvement that they only seek independent advocacy and legal advice in the days and hours leading up to the final court hearing. Equally, as families might not fully understand their rights or the opportunity to challenge or complain about child protection procedures. What is more, some families might not know how to access legal aid if they are entitled to it, whilst others might not be able to afford legal representation at all when legal aid no longer available⁷⁵.

Finally, there is growing concern regarding a legal uncertainty of how Care Proceedings should be managed for Roma children who are not confirmed as being Habitually Resident⁷⁶ in England. In 2016, for example, a Supreme Court judgment raised concerns about the applicability of Article 15 of Brussels IIa Regulation⁷⁷. In this example, there is a legal uncertainty whether the Courts in England can best serve the needs of EU citizen Roma children living in England, or whether a Court in the child's country of origin would be better placed to hear and determine the case⁷⁸. The lack of confidence over how to promote the best interests of Roma children during Care Proceedings in England is clearly a matter that requires urgent clarity, research and legal direction.

Placement type

Child protection systems in England allow for children to enter alternative care directly from home, and require government departments, or nominated **organisations, to provide appropriate support for children according to their circumstances**⁷⁹. Where a child cannot live with

⁷⁴ Cemlyn, S & Allen, D (2016) 'Outreach: care experiences amongst Gypsy/Traveller families', in: Williams, C & Graham, M (eds.), *Social work in a diverse society: Transformative practice with black and ethnic minority individuals and communities*, Bristol: Policy Press pp 161-180.

⁷⁵ Friends, Families and Travellers (2017) A guide for professionals working with Gypsies, Roma and Travellers in children's services. Available at: <https://www.gypsy-traveller.org/resource/a-guide-for-professionals-working-with-gypsies-roma-and-travellers-in-children%C2%92s-services>.

⁷⁶ European Economic Area nationals who want to claim certain means-tested benefits must normally meet the conditions of the habitual residence test. The purpose of the test is to show whether a person has the right to live in the UK.

⁷⁷ Practice Guide for the application of the Brussels IIa Regulation. Available at: http://ec.europa.eu/justice/civil/files/brussels_ii_practice_guide_en.pdf.

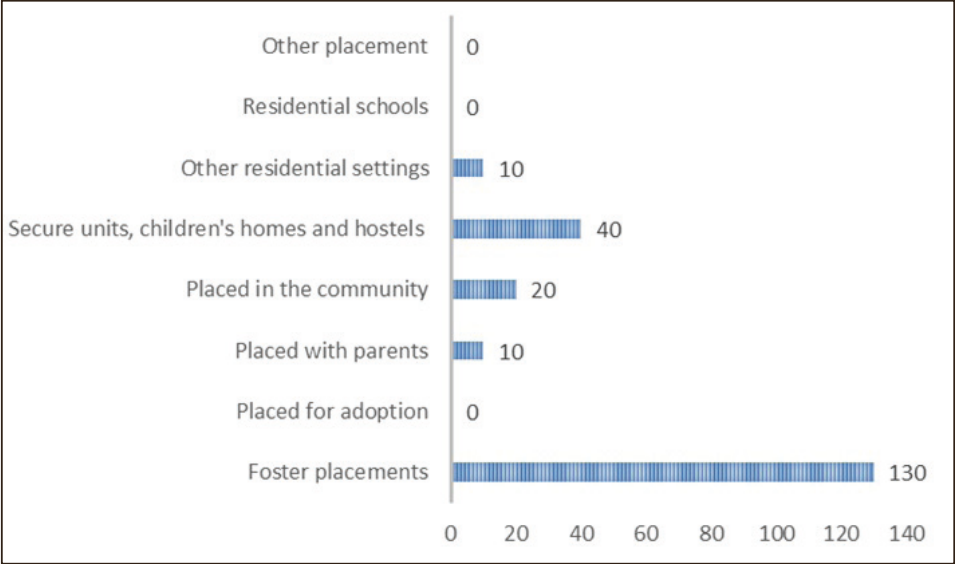
⁷⁸ N (Children) [2016] UKSC 15 Available at: <http://www.familylawweek.co.uk/site.aspx?i=ed160300>.

⁷⁹ Wade, J., Biehal, N., Farrelly, N. and Sinclair, I. (2011). *Caring for Abused and Neglected Children: Making the Right Decisions for Reunification or Long-Term care*. London: Jessica Kingsley Publishers.

a birth parent, the Children Act 1989 (as amended by the Children and Young Persons Act 2008) and reinforced by the Children and Social Work Act 2017, requires local authorities to ‘give preference to’ a placement with a person who is a relative, friend or other connected person. The Public Law Outline also requires authorities to consider family members and friends as potential carers at each stage of the decision-making process. For Romani and Traveller children, this inevitably means considering as carers members of the Romani and Traveller community of which they are a part⁸⁰. This provision is supported by the Care Planning, Placement and Case Review Regulations which require these same matters to be considered at regular intervals whilst the child remains in state care.

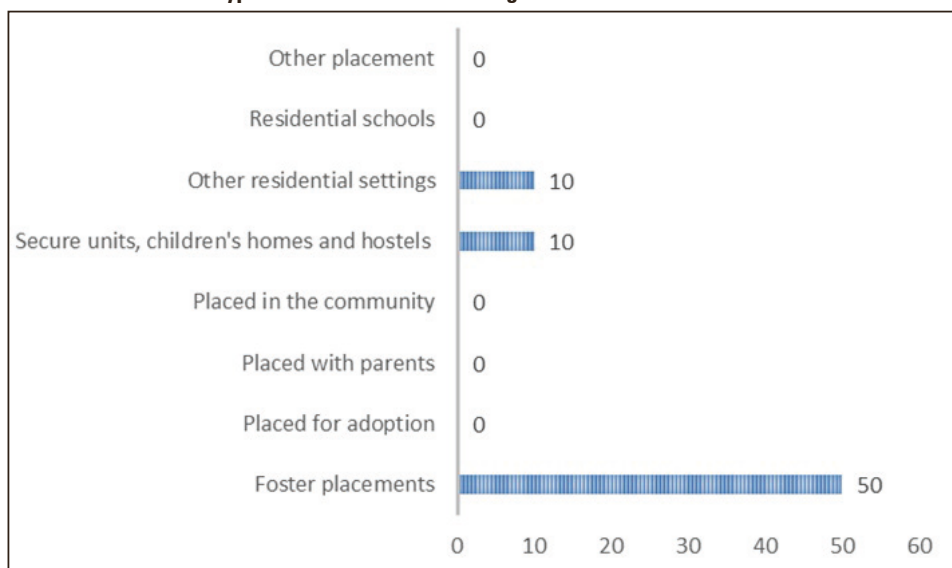
Information obtained from the Department of Health shows that 46 percent (n130) of ‘Gypsy/Roma’ children are living in foster placements, 17 percent (n50) are living in an institutional setting⁸¹ and 10 percent (n30) are living with the family or other kinship carers (see Table 15). 55 percent (n50) of Travellers of Irish Heritage are living in foster care and 22 percent (n20) are living in an institutional setting (see Table 16).

Table 15: Placement type ‘Gypsy/Roma’ in 2016



⁸⁰ Allen, D., & Adams, P. (2013) Social work with Gypsy, Roma and Traveller children. London: British Association of Adoption and Fostering.

⁸¹ An institutional setting in this context is considered to a residential children’s home, residential school, secure unit, or hostel.

Table 16: Placement type 'Traveller of Irish Heritage' in 2016

The figures presented above show that roughly half of all Romani and Traveller children living in state care in England are placed with foster parents. The number is lower than the national average where three-quarters of children are living in foster care⁸².

Accurate information about placement type is critical because there is also extant concern that when a Romani or Traveller child is required to live in state care there might only be a cursory effort to identify and develop friends and family placements, arguably in contravention of those policy concordats which require children to be placed with a family best suited to nurture and promote their cultural identity. The main limitation of the figures presented above is that they do not show how many Romani and Traveller children are living in transracial placements. This needs to be rectified because, as reported by Allen⁸³, the consequence of placing a Romani and Traveller child in a transracial placement can operate significantly to the detriment of their emotional health and well-being. In many cases, children who are wrenched from their cultural milieu can reject the state care system, and those around them, to seek security, permanence, and sense of self elsewhere. For many Romani and Traveller children, the experience of growing up in a transracial placement can lead to experiences of grief, separation, and loss which endure well beyond the period of childhood itself⁸⁴.

⁸² Fostering in England 2015 to 2016: key findings. Available at: <https://www.gov.uk/government/publications/fostering-in-england-1-april-2015-to-31-march-2016/fostering-in-england-2015-to-2016-key-findings>.

⁸³ Allen, D (2015). Protecting the cultural identity of Gypsy, Roma and Traveller children living in the public care system, *Today's Children Tomorrow's Parents* 40-41(1) pp 122-139.

⁸⁴ *Ibid.*

Limitations of this section

Before drawing any solid conclusions from this section, it should also be noted that many of the Tables presented in this section have been developed from redacted data sets provided to the authors by the Department of Education. For this reason, some of the data presented above should be considered unreliable for the following reasons:

1. Missing or incomplete statistics were provided by the Department of Education following a series of Freedom of Information Requests.
2. Datasets given for the children are rounded and by this fact are questionable in terms of accuracy.
3. The data presented does not identify the distinct age ranges of children or their gender.
4. As the above data is wholly reliant upon factual input at the point of referral by the Local Authority, it is important to **note that data regarding ethnicity could be incorrect**, overlooked and at worst ignored and given no importance. An example of this might be where a record a Romani or Traveller child's ethnicity is recorded as 'White British' or 'White Other'.

Summary

This section has shown that at March 2017, there was 310 Roma/Gypsy children and 100 Travellers of Irish Heritage reported to be living in state care in England. This is an increase of 80 (400%) 'Travellers of Irish Heritage' children and an increase of 280 (933%) 'Roma/Gypsy' children on 2009 figures. The data provided by the Department of Education is helpful in the preliminary pursuit of knowledge regarding the scale and nature of child protection with Romani and Traveller children, but it does not shed any new light on the reasons why there has been a disproportionate increase in the number of Romani and Traveller children being taken into state care.

One possible reason for the reported increase in the number of Romani and Traveller children being taken into state care might be explained by an assumption that a Romani and Traveller child is at more risk of significant harm than any other child. But there is no evidence to support this claim. Equally, it could be argued that the increase in the number of Romani and Traveller children being taken into state care reflects the social-political pressure need to avoid false negatives. But again, there is no evidence to support this claim. It could also be argued that the increase in numbers of children living in state care could be attributed to the movement of EU citizen Roma to the UK and the growth in population that has been reported by Brown et al⁸⁵. But without further research, this argument is also problematic. Therefore, to gain a more credible understanding of why there has been an increase in the number of Romani and Traveller children being taken into state care, it is important to gather information from child protection professionals and Romani and Traveller families themselves.

⁸⁵ Brown, P. Scullion, L. Martin, P. (2014): Migrant Roma in the United Kingdom and the need to estimate population size. *People, Place and Policy* 8 (1). p. 19–33.

6 Automatic Prejudice Presupposes Risk

“Assessment is a dynamic and continuous process which should build upon the history of every individual case, responding to the impact of any previous services and analysing what further action might be needed. Social workers should build on this with help from other professionals from the moment that a need is identified...critical reflection through supervision should strengthen the analysis in each assessment.”⁸⁶

Key findings

This section of the report introduces qualitative findings to examine the various ways in which historical, social and political context affects the interaction between child protection professionals and the communities. Despite some examples of positive practice and committed individual initiatives, there was a general lack of confidence on the part of professionals about how to engage with and respond sensitively to meeting children’s needs.

An implicit but equally prevalent theme in this research highlights the implication of fear that appears to have been constructed by misapprehension, fragility in professional competence and an overt presence of discrimination. Based on the data collected through surveys and focus group interviews, this section will show how these feelings become compounded by un-reflected assumptions that can undermine the value base of effective, fair and just child protection policy and practice. This section therefore critically considers how child protection professionals describe their own thoughts and feelings about working with Romani and Traveller children and families and explains why tacit prejudice and presuppositions need to be identified, understood and challenged at each stage of the child protection process.

Perceptions of risk: explaining the false positive reaction

Prior to each training event and focus group interview, child protection professionals were invited to complete a pre-training questionnaire. The questionnaire asked each participant to outline the scale and nature of their work with Romani and Traveller children. Considering the number of false positive (the over-estimation) assessments discussed in the previous section, the questionnaire also asked each person to consider whether they thought that Romani and Traveller children are at more risk of significant harm⁸⁷ than any other child. The results of this question are presented in Table 17.

⁸⁶ Her Majesty’s Government (2015) Working together to safeguard children: a guide to interagency working to safeguard and promote the welfare of children. London: The Stationery Office.

⁸⁷ The term ‘significant harm’ was introduced by the Children Act 1989 as the threshold that justifies compulsory intervention in family life in the best interests of children. In this context, ‘harm’ is defined as the ill-treatment or impairment of health and development. This definition was further clarified in section 120 of the Adoption and Children Act 2002 so that it may include, “for example, impairment suffered from seeing or hearing the ill-treatment of another”.

Table 17: Do you think that Romani and Traveller children at more risk of significant harm than any other child?

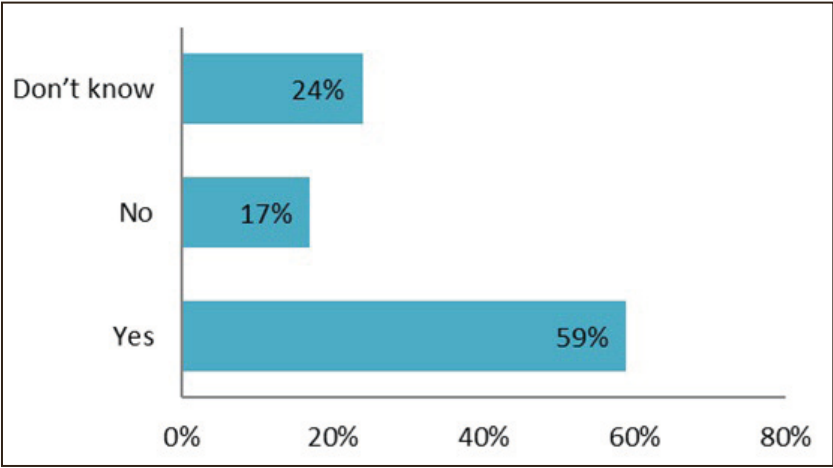


Table 17 shows that 59% (N81) of the 137 child protection professionals who completed the pre-training questionnaire thought that Romani and Traveller children were at more risk of significant harm than any other child. 24% (N33) percent did not know and 17% (N23) percent thought that the risk of significant harm was equal for all children.

Understanding why over half of the child protection professionals who completed the survey assumed that Romani and Traveller children were at more risk of significant harm than any other child is illustrated in Table 18 and 19. In both examples, participants wrote the reasons why they believed that Romani and Traveller children might be at more risk of harm. No pre-determined reasons were offered in the questionnaire. The axis titles represented in Table 18 and 19 are a thematic summary of what each participant wrote.

Table 18: Reasons why Romani and Traveller children might be at more risk of harm than any other child

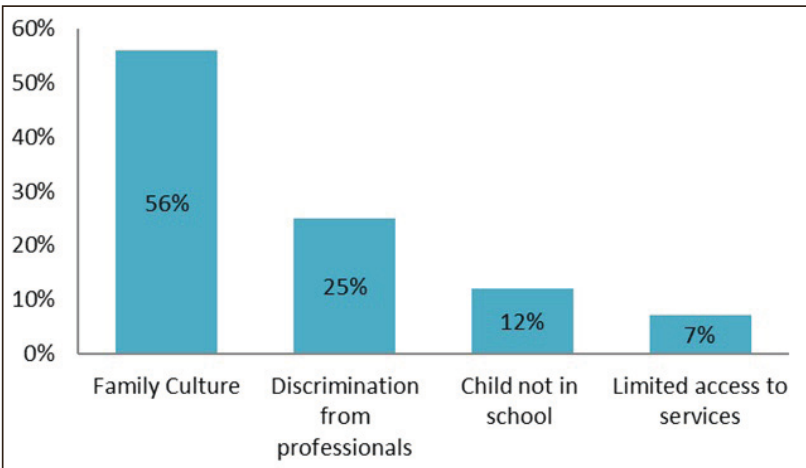
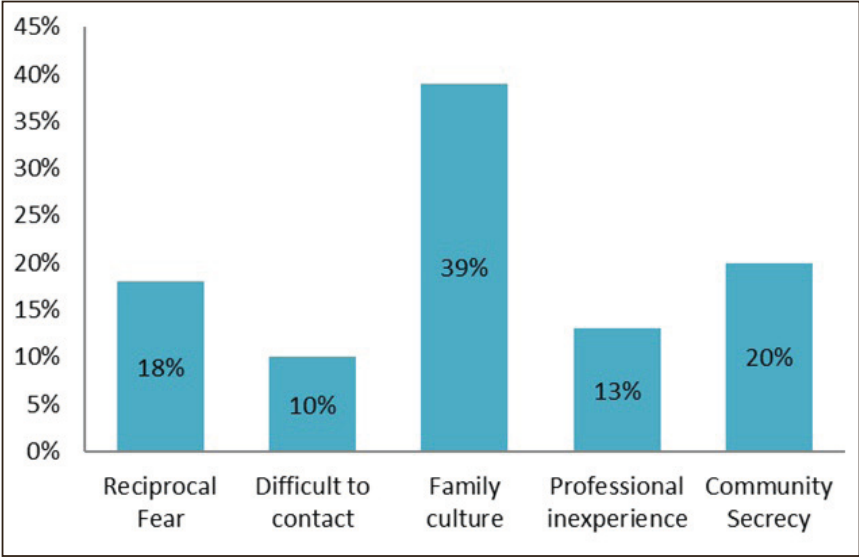


Table 19: Perceived barriers to effective child protection



Considering Tables 18 and 19, the suggestion that child protection professionals feel that ‘family culture’ is the main reasons why Romani and Traveller children are at more risk of harm than any other child is the first central finding of this study. From this assumption, all other aspects of child protection follow. Where a child’s ‘family culture’ is perceived to constitute the main risk to a child’s welfare, child protection professionals can justify their moral and statutory duty to protect the child. The problem with such an approach is that assumed harm can be used to determine the direction of child protection practice even before a child has been seen, spoken to or formally assessed. The following extracts support this anomaly:

“...if you’re working with Roma families they will have a different culture, their mindset about child protection is never going to be the same as an [English person’s]. We should drip feed them UK law. We have to tell them that “you shouldn’t hit your husband”, “you shouldn’t hit your wife”, “you should send your child to school”. If a family culture means that 12 and 13-year-old females who come to this country get married, or see Domestic Abuse is normal, they don’t know any different. Roma families are a closed community who are even outside the law in their own country, UK laws are so alien to them”. (North West: Local Authority 2 Focus Group 4)

Although the above extract is specific to the experience of working with Roma families in England, it provides clear indication that some child protection professionals can struggle to fully understand the nexus between culture and child maltreatment. As suggested above, child protection professionals working with Romani and Traveller children can often overlook diversity and cultural differences in child-rearing practices. By attributing risk to a stereotypical representation of a ‘family culture’ some professionals can then fail to distinguish between culture and interfamilial difficulties. **Instead, matters related to domestic abuse and child marriage** are reduced to a ‘Gypsy issue’ that, as shown in the following extract, is assumed to affect every Romani and Traveller child.

“Domestic Abuse can be common in the Traveller culture. Statistics suggest that Traveller children are three times more likely to experience Domestic Abuse. They are also culturally close-knit, less likely to report Domestic Abuse or ask for help because of what will be felt within their communities.” (South East: Focus Group 1)

The concerns associated with ‘family culture’ as the main reason why Romani and Traveller children might be at more risk of harm than any other child is attributed here to a ‘close-knit’ community. Whilst living in a ‘close-knit’ community could be a tradition which can positively enhance the child’s cultural identity, it was described in each focus group as a key barrier to effective child protection. In this regard, a ‘close-knit’ community became synonymous with the words secrecy and privacy. Consistent with the above extract, each group agreed that Romani and Traveller families may experience discrimination in child protection systems because they are labelled “hard to reach”:

“Child protection with Romani and Travellers is characterised by professional suspicion and assumptions. We assume that the situation of the Gypsy, Roma or Traveller is likely to be worse because in their culture they do not realise what constitutes a risk. They move about. School attendance is poor, no health immunisations, not registered with healthcare, not in school, poor housing, unemployed. This is all in their culture. They don’t know how to promote a child’s health or development, and this works against families. [Romani and Traveller people] are hard to reach, and they do not help themselves”. (South East: Focus Group 2)

It is arguable that the perception of increased risk described above stems from a history of opposition and vindictiveness by the vast majority⁸⁸ and which endures to powerfully express a community of people as dangerous or problematic. Frequently labelled as “hard to reach” it is also clear that the professional perception of Romani and Traveller children means that they are marginalised in many ways. On one hand, due to their experiences of multidimensional and trans-generational discrimination, Gypsy, Roma and Traveller people might require examples of specifically tailored systems of child protection; on the other hand, they are considered a ‘fringe’ group, thus implying that the child protection system might not be well equipped to work with or include them in an equal way. Taken together, the evidence gathered throughout each focus group indicates that child protection practice can be driven by examples of discrimination which, underpinned by unhelpful value judgments, can lead to inconsistency and confirmation bias in the professional assessment of risk.

Protect the child remove the culture

In matters related to child protection, professionals might believe that the safety of a child can only be guaranteed if the child is separated from their families. This finding confirms the earlier suggestion that ‘family culture’ represents the primary object of concern:

⁸⁸ Equality and Human Rights Commission (2016) England’s most disadvantaged groups: Gypsies, Travellers and Roma. Available at: https://www.equalityhumanrights.com/sites/default/files/ief_gypsies_travellers_and_roma.pdf.

I know that I would probably experience fear if I am asked to work with a Gypsy family. I will be afraid and have low confidence in my ability to dig deep and to carry out a detailed assessment. I would be so fearful of getting through the front door and if I thought that the parents will become more aggressive my ambition will be to get the kids out.” (North West: Focus Group 4)

In these circumstances, like those so honestly and transparently discussed above, the threshold criteria used to determine risk can be disproportionately low. As a result, there might only be a cursory effort to work effectively in partnership with families to disprove any false positive assumption of risk.

Highlighting a central focus on ‘family culture’, information gathered from each focus group interview identified how professional confidence could minimise the severity of a situation or avoid engagement altogether. **In one focus group, participants suggested the Rule of Optimism** by explaining that if they had little accurate knowledge of Romani and Traveller culture, they might attribute and normalise potentially abusive behaviours to aspects of that culture, which they believe they have no right to ‘criticise’:

“Challenging domestic abuse is like challenging the Gypsy culture, and that can make it a very difficult conversation” (North West: Focus Group 1)

By assessing domestic abuse in culturally relativist terms, false negative assumptions can be made about what is or what is not acceptable. This false assumption can place children at even greater risk because of the ineffective action that may be taken to safeguard them.

Regardless of the decisions that are taken, child protection practice is likely to fail Romani and Traveller children if the evidence used to inform any decision whether to act or not is determined by the subjective assumptions of the professional and not the verified lived experiences of the child.

Automatic prejudice and presupposition

To elicit and explore presuppositions towards Romani and Traveller communities further, a series of vignettes were used during each training day (for a detailed description of the activity see appendix 1). To commence the vignette activity the group were split into pairs. Each pair was then given a letter (A and B) and then provided with sticky note paper and a pen.

With A’s and B’s stood back to back, A’s were asked to face the front of the training room where the projector screen was located. B’s faced toward the back of the room.

A’s were asked to imagine that they had been asked to conduct an initial home visit following police concerns about a domestic disturbance where children were present. They were shown a photograph of a stereotypical street and then asked to write down words to describe what they were thinking and how they were feeling about conducting this visit. The exercise was

then repeated with B's facing the screen and A's facing the back of the room. In this second phase, B's were shown a photograph of a stereotypical Romani or Traveller encampment.

Based on the thoughts and feelings that the 155 people wrote down after seeing each image, Table 20 presents a condensed summary of the main findings. Only after reviewing these thoughts and feelings during the focus groups interview did people began to consider how their own perceptions of 'the conceptual Gypsy' might work to the detriment of their work and the assessment of Romani and Traveller children.

Table 20: Table illustrating the different the thoughts and feelings of child protection professionals

A's general thoughts and feelings about visiting a family living in a stereotypical street	B's general thoughts and feelings about visiting a family living in a stereotypical encampment
<p>Thoughts</p> <ul style="list-style-type: none">• Where do I park my car?• This is a normal Street• This is a not a problem• These are nice houses• This is what I do every day• Nothing out of the ordinary <p>Feelings</p> <ul style="list-style-type: none">• I feel unsure• I feel comfortable• I feel normal• I feel alert• I am feeling confident	<p>Thoughts</p> <ul style="list-style-type: none">• Hazards, how can I get in there?• It's chaos• What am I walking into?• Is it safe to visit on my own?• What about the dogs?• The child is not safe <p>Feelings</p> <ul style="list-style-type: none">• I am feeling apprehensive• I am scared• I am out of my depth• I feel anxious• I feel suspicious

In relation to the image of a stereotypical street, Table 20 shows that some professionals explained that their thoughts and feelings were normal, or usual. However, in relation to the image of a stereotypical site, professionals spoke about feeling anxious, suspicious, scared or apprehensive. By comparing the two lists of words, it is possible to argue that child protection practice with Romani and Traveller families could be underpinned by un-reflected feelings of prejudice.

Discrimination may be defined as categorising or distinguishing between factors or variables in a positive, negative or neutral way. In the context of this study, it is also a means by which a child protection professional may justify a conscious response to target Romani and Traveller children as more likely to experience significant harm than any other because of their own thoughts and feelings. Automatic prejudice, on the other hand, can be identified in spontaneous and uncontrolled examples of discrimination, which according to Judd et al, (2004 pp 75), are:

'...elicited in such a manner that the perceiver is largely unaware that his or her responses are indicative of a racist attitude'.

By externalising the thoughts and feelings in response to the vignette activity, each focus group discussion could consider how automatic prejudice has become the phenomena of reflexive discrimination towards the 'conceptual Gypsy' in child protection practice.

Accepting the implications of automatic prejudice, professionals began to explain how their own thoughts and feelings could undermine the **standardised frameworks and empirical evidence** base that is used to assess risk. This means that in some situations, particularly for families living on sites, risk assessments can be unwittingly prejudged based on what the child protection professional thinks and feels about the ‘conceptual Gypsy’, thus discrediting established child protection policy, practice guidance and regulatory codes:

“Thinking about the activity where we looked at those pictures. I know my Westernized view of Romani and Traveller people would probably impact on my assessment of risk. I cannot help this. I reckon that if I see a referral with the word Gypsy, Roma or Traveller on it and there is overcrowding, mess, large families, dogs or animals, unknown people, poverty, kids sleeping on bare mattresses, no lightshades, all this will constitute a risk. Before doing that activity my first reaction would be to get the kids out! I now realize that I do not understand their culture, their parenting styles, their family life, their heritage, or their traditions. I need, no we need, to be better at what we do” (North West: Focus Group 2)

This extract highlights the crucial importance of pre-reflection and case supervision in child protection practice. It shows the essential need to **identify, accept and then critically interrogate** potential discriminatory beliefs as the first stage of professionally competent practice; this is a fundamental and necessary skill. It requires professionals to acknowledge the fact that any relationship with Romani and Traveller people, and all other groups, in fact, is fixed within the historical, social, and political dynamics which have served to construct reciprocal boundary distinctions such as fear and mistrust. As a result, relationships between child protection professionals and Romani and Traveller families may, at least initially, be characterised by suspicion and fear, and this can only be dealt with if it is first acknowledged:

“Today’s discussion has taught me that fear of a situation is not always a bad thing. It’s about how you respond to it and assess it. How you reflect on it before action. I have learned that I must try to be more objective. I must try to see children as children, not as ‘Gypsy children’ because this perception clouds my judgment. It is the same when I have to assess a newly arrived Roma family. I have to recognize that I might have a view of other people or a stereotype. I need to understand this view and not generalize a culture. I must see individuals as individuals. I have to challenge culture and pull it apart to see if the family’s situation is due to culture or just family behaviour.” (North West: Focus Group 3)

In the above excerpt, the candor by which the relationship that is described between the perception of a Romani and Traveller family and child protection action is extremely helpful. It demonstrates the second key finding of this study. Namely, that critical pre-reflection is essential to ensure that risk is not assumed and that child protection procedure is not instigated on the grounds of ‘family culture’ but only because there are real and verifiable concerns about a child’s welfare.

Summary

The information gathered through each focus group interview identified that by focusing on ‘family culture’ child protection professionals can use contradictory approaches when intervening in Romani and Traveller family life. These approaches could either lead to unreliable

assessments, which can either incorrectly assume that a child is at risk, or fail to recognise and act to protect children from maltreatment. Both approaches are damaging and both approaches influence how children are represented and treated by child protection practitioners in England.

This section has also highlighted the need for child protection practitioners to examine the individual circumstances of each child and family with care. Family culture is not an excuse for inappropriate or illegal behaviour, but taking into consideration specific cultural issues will not only enhance case **management but lead to a more collaborative partnership between professionals and families**. Whilst there is some recognition of the unique circumstances and factors which impact on both the welfare of Romani and Traveller children, the child protection professionals who took part in this study generally did not understand that the risks experienced by some Romani and Traveller children are not cultural in nature. If professionals fail to distinguish between those interfamilial behaviours that can cause harm (domestic abuse or forced marriage, for example) and ones which can positively enhance the child's cultural identity (community, family, heritage, safe attachments, cultural and emotional resilience and so on), they may be discriminatory in their actions and fail to effectively assess the welfare of the child.

7 Ill-Equipped for Child Protection

Under the Children Act 1989, Local Authorities are required to provide services for children in need for the purposes of safeguarding and promoting their welfare. Local authorities undertake assessments of the needs of individual children to determine which services to provide and what action to take. Assessments for some children will require particular care.⁸⁹

Key findings

This section shows that unless the presumptions of risk are **problematised and critically considered**, control will remain a primary mode of engagement with local Romani and Traveller families. Where this occurs, child protection practice may become caught up in assessments of risk, which remain framed by stereotypical assumption and prejudice rather than verifiable and defensible fact. This section will also show why it is important that child protection practitioners are aware of their own limitations and ability to address the multiple layers of structural discrimination faced by Romani and Traveller families. Unless child protection practitioners are skilled and equipped to assess the various and often concealed sources of risk at micro and macro levels, a gap in will begin to appear in an individual's safeguarding practice.

Assessing and managing risk

Child protection professionals require confidence in their ability to implement effective surveillance of children who are assessed as being at risk of harm. For the professionals who took part in this study, children who moved between Local Authorities were seen to be at increased risk of harm because the current systems used to monitor the welfare of the child are not always effective:

“Where some families are transient it can be very hard to keep children safe. In my experience, there is no inter-professional cross-border communication. Gypsy and Traveller families who move become invisible particularly if they are not accessing education. This increases concern for the welfare of the child. Also, how do we know whether a family is not just moving because they want to avoid the involvement of social workers? How do we know that they are not moving to hide abuse? I really struggle with this one because the only solution that I have been able to come up with is to either stop the family from moving and getting them to move into a house, or, if they refuse, to consider what else needs to be done to protect the child” (South East: Focus Group 3)

This extract shows how child abuse can be associated with transience. Whilst the speaker recognises that the tradition of nomadism, or ‘transience’, can be important for some

⁸⁹ Her Majesty's Government (2015) Working together to safeguard children: a guide to interagency working to safeguard and promote the welfare of children. London: The Stationery Office.

Romani or Traveller people, the practice of travelling can become problematic when child protection systems are not able to work confidently to monitor a child's or family's movements. This sense of apprehension is understandable, but rather than being supported to protect children who move between Local Authorities through a standardised national guidance document, each of the 146 individual Local Safeguarding Children Boards in England is required to establish their own policy about how to protect children who move. The responsibility to manage the **risk associated with 'movement' for each individual Local Safeguarding Children Boards** creates an opportunity for the national disparity that has been described. Ultimately what the lack of a standardised national guidance regarding movement means that the duty to monitor children who do move is given to the lead child protection social worker. For several people who mentioned transience in the focus group interview, the task of managing risks associated with movement can be made that much harder because there are no formalised training, services or assessment tools to measure, predict or manage the risks for children who do move either:

"We have no benchmark, no evidence-based practice, nothing to go from. We used to have the Traveller Education Team. They could help us work with families. They could help us work with families who were transient but now they have gone. There is no government guideline about how to work with a Gypsy or Traveller or Roma family who moves between Local Authorities. So, have to make it up as I go along. I am unequipped. Being unequipped makes me afraid. Like everyone here, I don't want to be the next one to be hung out to dry in the National Press or a Serious Case Review." (West Midlands: Focus Group 2)

The lack of an accessible, credible, empirical or theoretical evidence-based approach to child protection practice with Romani and Traveller children who **move between regions in England** highlights a significant challenge to child protection and 'risk management'. In relation to the considered extract above, movement can become a potential threat to fundamental values of child protection practice as professionals are **becoming increasing risk-averse**. As **risk associated with movement** is not always understood, excessive caution in the design, **implementation**, and review of the child protection plan is more likely. The added observation that local Traveller Education Team Services (a team of professionals in each Local Authority who were once effective teachers, mediators, and enablers of education and safeguarding services) have been decommissioned highlights the **far-reaching effect of government cuts and austerity programmes** in the public sector. In every focus group that discussed the reduction in Local Authority budgets, there was a suggestion that child protection professionals are feeling more unsupported in their roles than ever before.

The pressure of timescales

In each focus group, people spoke about the need, want and vocational commitment to take time to get to know the children they were responsible for assessing, and to talk to their parents properly. But, as community-based work is being eroded, and because Traveller Education Teams are being closed, professionals are not always being provided with this opportunity:

“My assessments timescales are short, and these do impact on my ability to work with Gypsy families to build and develop trust. We know it takes time to build knowledge of extended family networks and help reduce feelings of shame but in my team, I only have a limited time to assess a family. We are under enormous pressure to assess risk. If I struggle to assess a child within timescales, I will escalate the case to child protection. I have to say the family will not engage so that I do not get named blamed and shamed for having incomplete assessments that are out of time scale by the council.”
(South East: Focus Group 4)

Within the above candid extract, the speaker refers to child protection practice that further discredits professional regulation, law and social policy. By highlighting how the broader social and political context of child protection affects the interaction between professionals and communities, a clear example of institutional discrimination is shown. It must not be forgotten that children undergoing child protection assessments are vulnerable, but the central point being made emphasises the fact that child protection professionals can feel under pressure to act (false positives). With the weight of institutional pressure and an ethos of ‘blame’, child protection professionals can be coerced to minimise an assessment of a family’s history and how this might affect their confidence in statutory services. If a child protection professional is unable to carry out an assessment on time, fully accounting for the child’s welfare, the findings support extant literature to show, once again, that families can be labelled unjustly as resistant, ambivalent or uncooperative.

Where families are labelled and as resistant, ambivalent or uncooperative, records will be made and kept, judgements will be made and information about a family will be shared and normalised within a wide sphere of professional agency discourse. Child protection professionals, who are required to be reliable, honest, open and transparent, then evaluate this discourse to predetermine statutory outcomes and the threshold for intervention. At the same time, families, who unable or unaware of how to challenge or complain about child protection processes, feel powerless, withdraw, then become harder to reach or transient. For this reason, labelling a family as resistant, ambivalent or uncooperative becomes a self-fulfilling prophecy. It is this way that reactive and stereotypical discourse in child protection can set some Romani and Traveller families up to fail.

Working in isolation

Where a child is at risk of significant harm, the escalation of child protection procedures is essential. But, if services are escalated because Graded Care Profiles, Single, Initial or Core Assessments has not been completed in time, then the relationship between Romani and Traveller communities and child protection professionals will arguably be destroyed:

Where I work, young Roma people who are very vulnerable...and I’m telling you now that we have no resources to work with them. I don’t want to discriminate. I want to understand, but I have no resources to work with these communities. I have no specialist services that I can liaise with, I have to phone charities for interpreters, but they are overstretched. The Government should be giving us

services. If they want us to protect Roma children, they need to give us specialist services. When a family moves to the UK the Government just say here you go, get on with it. We know nothing about the Roma culture because we haven't lived it. We should have more support from our Government. Give us some services. The number of Roma children going into care in my area is horrendous. We wouldn't treat a White British boy or a White British girl in this way, so why do we treat Roma children in this way?" (North West: Focus Group 2)

The lack of specialist resources (including translators, Ethnic Minority & Traveller Achievement Service workers, community-based advocates, mediation services, family support workers and early help teams) that the above excerpt describes highlights how families are marginalised and how additional pressure is placed upon child protection practitioners who struggle to cope with cuts to vital community and early help preventative resources.

The excerpt provides further evidence of the potential for structural inequality to increase pressure on child protection professionals. This pressure, in turn, threatens professional capability, undermining the duty to ensure every child receives the services that they need⁹⁰. By recognising disparity in service provision, the speaker in this extract identifies how the cuts to essential services are creating a "two-tier system" of child protection leaving many Romani and Traveller children without the help and support that they require. The fact that some Roma children are being excluded from safeguarding and early help services is the third significant finding of this study.

As shown in the Southampton Serious Case Review⁹¹ and in Allen's chapter on institutional discrimination⁹², when training on how to engage and assess Romani and Traveller communities is not provided or ignored, and when professionals are unsupported by specialist services and oppressed by bureaucracy, the presuppositions during assessments, detailed in the previous section, and the opportunities for un-reflexive practice can develop. What is more, the knowledge, values and skills required to underpin good assessment practice can be lost:

"I'm a child protection professional who is a jack of all trades, but a master of none. Working with diversity in my caseloads means that I need to work with experts and mediators – but there aren't any. I can't know everything. Managing caseloads is hard. I know that I have to see this person in three days, but when you have 20 other cases and they are all different, I haven't got time to read and research. That is where [child protection] with Romani and Traveller children falls down because we haven't gotten the time frames, the knowledge or the skills to achieve best practice." (West Midlands: Focus Group 1)

"My biggest challenge when working with Romani and Traveller children is the lack of training, understanding, time, not having time to do something, workloads, the constraint of what we do means that good and effective practice can be missed." (North West: Focus Group 2)

⁹⁰ The Association of Directors of Children's Services Ltd (2016) Safeguarding pressures phase 5. Available at: http://adcs.org.uk/assets/documentation/ADCS_Safeguarding_Pressures_P5_REPORT_Web_FINAL.pdf.

⁹¹ Harrington, K (2014). *Serious Case Review: Family A*. Southampton: Southampton Local Safeguarding Children Board.

⁹² Allen, D (2017) 'Is Discrimination Natural: Social Work with Roma children and Families', in: Bhatti-Sinclair, K & Smeathurst, C (eds.), *Social Work Skills*, Policy Press, Bristol, UK.

“The system does not work to impart conditions for a culturally curious workforce. If it is culturally imposed in the attitude of the organisation, this filtered down to the workforce. I don’t have a clue how to work with a Romani or Traveller person. I don’t know anyone who does.” (South East: Focus Group 3).

Innovations and personal responsibility

It is widely reported that the impact of austerity measures, the reduction in specialist community services and Traveller Education teams means that child protection services are undergoing tremendous change⁹³. Whilst all children deserve the highest standards in support and protection, The Office for Standards in Education, Children’s Services and Skills (Ofsted) has reported that a quarter of Local Authorities in England are not adequately equipped or able to protect children⁹⁴. Where there are weaknesses in Local Authorities, Ofsted makes it clear that families and children suffer because of weaknesses in child protection practice. From the current state of the economy to shifting policies and regulatory requirements to leadership changes, the work to safeguard Romani and Travellers children requires new and innovative approaches to emerge and develop.

It is widely known that child protection professionals deal with complex, high-risk situations. It takes professionalism and expertise to make tough decisions and stand by them⁹⁵. A good child protection professional must bear the weight of responsibility for both what they do, and for what they decide not to do. For these reasons, effective child protection demands a great deal from families and the professionals who assess and manage risk. For some of the people who took part in this study, a lack of organisational investment and increasing cuts to services means that child protection professionals are forced to seek new, innovative and creative ways of working:

“There is no room for staff development, on the whole, systems do, albeit inadvertently, discriminate against Romani and Traveller families. In order to change this, you have to think outside the box. Educate yourself about Romani and Traveller people. Ignorance is a barrier in itself. The first thing I do when I meet a family is say “is there anything I need to know about your family or culture?” Cultures can change so much, so you have to work with families. I am responsible for my practice, and I am responsible for helping families to keep the kid’s safe.” (North West: Focus Group 1)

Recognising the crucial importance of professional competence, the words above summarise the thoughts and feelings of most of the people who took part in the study. Despite, a presupposition of risk, and the external pressures created through cuts to services, there is still a commitment to professional development. This shows a vocational obligation to keep children safe. Standing for different professional groups, each person who shared the duty to

⁹³ Bhopal, K., and Myers, M. (2009) ‘Gypsy, Roma and Traveller pupils in schools in the UK: inclusion and ‘good practice’’, *International Journal of Inclusive Education*, 13:3, pp299 — 314.

⁹⁴ The Office for Standards in Education, Children’s Services and Skills (Ofsted) (2016) *The report of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills 2016*. Ofsted, Manchester.

⁹⁵ Munro, Eileen (2008) *Effective child protection* 2nd, Sage Publications, Los Angeles.

protect children acknowledged that they were motivated to practice as safely and effectively as they could. Nobody wanted to work in a discriminatory way, but each group began to admit that discrimination could be the product of practice if professionals did not identify potential strengths and weaknesses in relation to child protection:

“There is a lack of services for Roma people... I really struggled. I had to go to my old University and get a book out, so I could learn how best to support the family.” (North West: Focus Group 3)

The above extracts suggest how Roma people can be disadvantaged in matters relating to child protection because of institutional discrimination manifest in a lack of services. As specialist advocates or mediators are not always available for Romani and Traveller families, a lack of professional confidence means that assessments can be unreliable and fateful for the child and family. Equally, families are not being supported to make sense of and understand why child protection professionals might be involved in their lives. As automatic prejudice within child protection practice can lead to an increase in false positives, and as individual families experience a fear of public services, there is a pressing need to reframe child protection to democratise the process as well as the outcome. Whilst some individual practitioners can work hard to develop their knowledge, values and skills, it is arguable that existing child protection policies are insufficient, thus further highlighting the fragility of professional competence even further.

Summary

This section has shown how some child protection professionals feel unable and ill-equipped to safeguard Romani and Traveller children. The absence of obvious transferable skills or suitable empirical or theoretical evidence means that some assessment processes are being imposed on families leading to unnecessary and coercive interventions. As some child protection professionals can overlook child maltreatment, or attribute it to normative cultural practice, the difference between good child protection practice and bad child protection practice is determined by the individual professional who is also competing against the mounting pressure of austerity and the severe cuts to essential early help, preventative and community-based services.

8 Discrimination in Care Proceedings

“Practitioners should be rigorous in assessing and monitoring children at risk of neglect to ensure they are adequately safeguarded over time. They should act decisively to protect the child by initiating Care Proceedings where existing interventions are insufficient.”⁹⁶

Key findings

If child protection professionals believe a child is at risk of significant harm and all possible alternatives to state care have been exhausted, they can apply to the court for permission to act to protect the child. This process is known as Care Proceedings. In this section, matters relating to Care Proceedings will be considered to argue that automatic prejudice, fear, a lack of time, resources and training can have serious implications for the welfare of the child and the disproportionate increase in the numbers of Romani and Traveller children being taken into state care.

Assessing families within a 26-week deadline

Section 14(2) of the Children and Families Act 2014 amends s.32(1)(a) of the Children Act 1989 require Care Proceedings to be concluded without delay; and in any event, within 26 weeks, beginning with the day on which the application was issued⁹⁷. During the 26 weeks, a social worker, an officer from the Children and Family Court Advisory and Support Service (Cafcass) and other child protection professionals have a duty to fully assess and understand why the child may be at-risk.

Risk assessments must also critically consider why Care Proceedings are necessary and what needs to be done to keep the child safe in the future. The process of assessment requires child protection professionals to interview parents and the child. It requires child protection professionals to fully understand the child's lived experience and consider what support parents might need to keep the child safe. But, as we have already seen, some child protection professionals feel ill-equipped and unable to do this.

If assessments provide credible, verifiable and clearly substantiated evidence that a child's safety will not be guaranteed if they continue to live with their parents, child protection professionals must talk to other family members or family friends and assess their suitability as alternative carers. However, in relation to automatic prejudice, fear, a lack of time, resources and training, it seems that some child protection professionals feel unable to do this as well:

⁹⁶ Her Majesty's Government (2015) Working together to safeguard children: a guide to interagency working to safeguard and promote the welfare of children. London: The Stationery Office.

⁹⁷ Section 14(2) of the Children and Families Act 2014 amends s.32(1)(a) of the Children Act 1989 to insert that a case must be concluded:

(i) without delay; and

(ii) in any event, within 26 weeks, beginning with the day on which the application was issued.

“When I tried to assess the family, it was so hard. They all just avoided me. It took me ages to build the trust needed to speak to mum. I asked her mum if there were any other friends or family members who I could talk to about looking after the children, but she said no because she was embarrassed and did not want her family to know about her personal life. She was afraid of what they would think. The child was difficult to engage too. His behaviour was very bad. The 26-week deadline came up, so the Local Authority Barrister asked for an extension. The Judge agreed but they were angry at me for not working to time. What could I do? In the end, nothing. Looking back, I wish I could have had the support of a mediator...the child has been adopted now” (South East Focus Group 1)

This excerpt summarises the views of others who took part in the study. It demonstrates the way that child protection professionals can perceive the 26-week deadline, imposed by Section 14(2) of the Children and Families Act 2014, to be more important than the need to assess key members of the child’s family as alternative carers. The fact that the assessment might not be thorough because key members of the child family network have not been consulted is a clear indicator of discrimination associated with structural inequality. The fact that some child protection professionals may be unable to present a thorough assessment of the child and family within Care Proceedings is the fourth significant finding of this study.

Fostering Romani and Traveller children

For children who are looked after by a Local Authority, there are specific provisions within childcare legislation and policy guidance in relation to promoting racial, religious and cultural equality. For this reason, the 2017 Children and Social Work Act places duty and responsibility in Care Proceedings to maximise cultural continuity. This means that, wherever possible, kinship networks, schools, and friendships should be maintained, as should contact with family members and the child’s wider community where this is appropriate. However, as strict regulations apply in Care Proceedings, equally strict regulations apply to care planning regulations. These strict standards can often exclude Romani and Traveller families because of the systematic disadvantage that they experience in education, employment, health, and housing:

“In my experience kinship assessments of Roma families fail on the most basic principles like the child not having their own bedroom, or if the home is overcrowded. The rest of the assessment might be fine, but because the child might have to share a bedroom with a cousin they will not be approved. If it is a private fostering arrangement, the situation might be different. The social worker cannot easily challenge or work around fostering policy. Families are also unable to challenge the assessment if they do not have the knowledge, or understanding about fostering regulation. People have no one to access for support.” (North West: Focus Group 2)

The extended family has long played a role in caring for children whose parents were unable to do so; a practice that is referred to in the above testimony as kinship care. Kinship carers can play many important roles in children’s lives. They can be loving companions and enable resilience by promoting emotional health and well-being. Kinship carers can also be mentors, family historians and sources of various other forms of support. However, as this excerpt shows,

Romani and Traveller could be disqualified as kinship carers because of the strict regulatory standards that are difficult to challenge. Where children and families are unsupported by advocates or mediation services, friends and family assessment can become difficult to approve, even if people can be identified with the 26-week time limit. According to each person who took part in this study, the decisions made about Romani and Traveller children during Care Proceedings is that they would be more suitably placed with transracial foster parents or adoptive parents. In other words, children can be placed with carers who do not have a Romani or Traveller heritage:

“It is virtually impossible to get a foster care or adoptive parent who can meet the child’s cultural needs. The opportunity to get a perfect match is impossible. I know of 1 foster care who is, I think Romani, but I have not come across any foster carers from these communities. I don’t know why. I did a national search for Gypsy, Roma and Traveller adopters and was unable to identify any.” (West Midlands: Focus Group 2)

Family and friends care can provide a continuity that helps Romani and Traveller children to make sense of their family history, reduce the sense of separation and loss, provide the chance for permanence, and offer the opportunity for each person to build on these experiences to plan for their future⁹⁸. In the pursuit of professional competent care planning, this opportunity should not be undervalued:

I see a lack of effective care planning on how to work with a young Gypsy person and how to promote her cultural needs. Because the young woman was taken from her family and community she felt that she no longer wanted to carry on with her cultural identity. She was a fish out of water. She did not want to carry on with her cultural traditions that she had learned when she lived with her birth family. Racial, religious and cultural equality was lost to her. (South East: Focus Group 2).

This extract highlights how a fragility of professional competence can amplify feelings of rejection for children living in state care. While good practice suggests that effective Care Proceedings can be achieved when kinship care arrangements are considered, there are times when this may not be possible or appropriate. As a priority, there remains an urgent need for professionals to ensure that Romani and Traveller children are encouraged to proudly **recognise and communicate** their culture on a day-to-day basis, so long as they want to. For this to happen, it must be recognised that Romani and Traveller children living in state care might be losing their identity, their sense of cultural pride, their customs, and their distinct way of life. As shown in the above quotation, paying (more) attention to the heritage and lived experience of Romani and Traveller people is just one important way to reduce discrimination in Care Proceedings.

The information gathered through each focus group interview suggests that the most obvious way to begin to reduce the cultural isolation and distress experienced by Romani and Traveller living in alternative care is to place them with appropriate kinship carers in their own communities. A major barrier to this recommendation is that any service of this type is likely to take time to develop, and, where realised, will only operate in limited jurisdictions. It

⁹⁸ Allen, D., & Adams, P. (2013) *Social work with Gypsy, Roma and Traveller children*. London: British Association of Adoption and Fostering.

is also crucial to recognise that the recruitment of Romani and Traveller foster parents does not always provide a panacea to the problems that this section has introduced. As seen in two recent Serious Case Reviews in England, any unreflective commitment to kinship care may not always be effective if the suitability of that placement has not been fully assessed first⁹⁹,¹⁰⁰. It is the nuance of placement planning which requires additional consideration because an informed debate on the appropriate use of ‘family-based’ care within the Romani and Traveller communities has, with the exception of Greenfields¹⁰¹ and Allen¹⁰², been excluded from the contemporary debate in England.

Summary

This section has highlighted the fact that Care Proceedings might not always work to include Romani and Traveller people who might be frightened or who have had very little contact with formal government structures, and in any case, feel under threat from them. In this context, child protection practice demands that the child is placed at the centre of all decision-making processes. It is not good enough to justify decisions through automatic prejudice or fear or attribute discrimination in Care Proceedings due to a lack of time, resources, and training.

The legal duty to act decisively to protect the child by initiating Care Proceedings where existing interventions are insufficient also raises important questions about threshold criteria and the reasons why matters might be taken to court. If on the one hand, existing interventions are insufficient, despite systematic packages of family support, child protection, and the parent’s best efforts, child protection professionals might be justified in the decision to initiate Care Proceedings. If on the other hand, child protection interventions are insufficient because of a lack of time, resources and training, Care Proceedings are more likely to be initiated for reasons associated with structural discrimination rather than for reasons associated with child protection per se.

99 Bromley Safeguarding Children Board (2014) Child E: Serious Case Review: Bromley, Bromley Safeguarding Children Board.

100 Harrington, K (2014). *Serious Case Review: Family A*. Southampton: Southampton Local Safeguarding Children Board.

101 Greenfields, M. (2002). The impact of Section 8 Children Act Applications on Travelling Families. University of Bath: Ph.D. (unpublished).

102 Allen, D (2016) ‘It’s in their Culture’: Working with automatic prejudice towards Gypsies, Roma and Travellers in care Proceedings’ *Seen and Heard*, 26(2) pp 40 - 52.

9 Experiencing Child Protection

“The Equality Act 2010 which puts a responsibility on public authorities to have due regard to the need to eliminate discrimination and promote equality of opportunity. This applies to the process of identification of need and risk faced by the individual child and the process of assessment. No child or group of children must be treated any less favourably than others in being able to access effective services which meet their particular needs”¹⁰³

Case study 1 – Victimization and injustice

The events that follow are in respect of the actions and injustice carried out against me and the removal and adoption of my son.

My Grandfather was a very well-respected man. Throughout the country he was known as the King of The Gypsies, however, the local police did not like him. My Grandfather used to train soldiers how to fight in hand-to-hand combat. He was a very strong and feared man, but he was a man of loyalty.

When my Grandfather was a young man he had served a prison sentence for assaulting a Policeman. My family has been victimized ever since. From the age of 5, all I have known is police harassment.

Over time, Police harassment became worse and worse. After a particularly bad incident, my Mother and Father sued the local Police Force. My parents were awarded a lot of money in compensation.

After this, the Police arrested my Uncle, my Father and my two Aunts for being violent. In court, the arresting Officers lied under oath and said that my Uncle had assaulted them in an unprovoked attack. In Court, my family’s lawyer produced the closed-circuit video footage from a camera that had recorded the whole incident. The evidence clearly showed my Uncle being brutally attacked by 8 Police officers all armed with metal bars. My Uncle’s shoulder was broken in two places. The Court awarded him £60,000 in compensation.

As the victimization continued, my Fathers friends became a target of police brutality. He complained to the authorities and two Police Officers were removed from the force. Sadly, my father’s friend was later murdered because the Police would not intervene or help him.

My father, Uncle and anyone that associated with my family is still being arrested, remanded and later let go with no further action. As I said, Police harassment for my family is a regular thing.

¹⁰³ Her Majesty’s Government (2015) Working together to safeguard children: a guide to interagency working to safeguard and promote the welfare of children. London: The Stationery Office.

In 2013, my Mother had an affair with a family friend. As a Romany Gypsy, this is not in our cultural beliefs and is a very unusual thing to happen. Anyway, news that my mother had run away with another man caused my father a great deal of upset. He stopped talking to all of us.

At that time, I lived in a house with my newborn baby and my sister. Over a few months, I started talking to my mother. My father found out about the fact that I was speaking to my mother and he was very angry. He came to my house and smashed a window. I reported the incident to the police and asked a friend to take my baby away from the house whilst my father was so angry. It was the first time I had ever asked the police for help. Instead of helping me they did the opposite.

When the Police arrived, they asked me who had broken the window. I did not name my father because I said that I just wanted the person to be warned off, not arrested. The Police then accused me of breaking the window. The Police then said we are informing social services.

The Police filed a report to social services and my health visitor. The report stated that my home was dirty, dull, freezing conditions and that my home smelt of faeces. A social worker and health visitor attended my home and completed the assessment. Nothing in the police report was true and the social worker and health visitor did not have any concerns about the baby.

A few days later there were more smashed windows and again the Police blamed me for this – they said that I was breaking the windows so that I could be re-housed. Then in January 2014, there was a fire in my home. Me and my sister were arrested for arson with the intent of endangering lives -that life being my own child. Following my release, I went to stay with my best friend. Whilst staying there another fire broke out. The next day the Police and a social worker came to arrest me for arson with the intent of endangering lives again and tried to convince me to sign my child away under Section 20 of the 1989 Children Act. I refused to sign.

Eventually, there were around 12 Police Officers and 2 social workers inside my best friend's house. Many more Police were outside. As I was being arrested, I asked the Police and social worker to let my Aunt take care of my baby, but they all refused.

After around 2 hours of negotiation, the Police forcibly removed my child. They handcuffed my hands and feet and threatened to Taser me in front of my baby. I was upset, and they accused me of causing my son emotional harm. I was then taken into custody and interviewed. Following this, I was released and bailed to attend court the next day. No charges were ever brought against me, but my baby was gone.

I arrived at court the next day and discovered the police had made statements that my child was dirty, underfed (searching for scraps of food) had no toys, was being given undiluted squash. Reports suggested that he didn't have a bed that my home was the state you wouldn't even describe a dog pen to be, that my son had been walking on broken glass, that he had access to knives. It turns out that after I was taken to the Police station, the Police raided my home and made a real mess of everything. They then took photos of the mess that they made

and produced them to the social services and the court. They said that this was how I was living with my child. None of this was true.

Given the evidence that the Police presented, the judge said that my son had to remain in foster care pending court proceedings and a fact-finding hearing.

This was all so hard for me, but I picked myself up and I moved to a different Local Authority away from my father and to demonstrate my understanding of domestic abuse and the need to keep my child safe. I cut all ties with my family. I had to travel 9 hours a day 3 times a week on a train to get to have supervised contact with my son on the days that the social worker would let me.

Throughout the court proceedings and a fact-finding hearing, I was asking for an advocate because I was not being listened to. The social worker did not help me with this. Eventually, the fact-finding in Autumn of 2014 and everyone had to give evidence including the Police. By this time my son had been in state care for 9 months.

When it was my turn to give evidence, I had produced 600 dated photographs of my child and my home from the day he was born right up until the Police took him. The Judge took the photos away with her.

Social services brought in all sorts witnesses. They took the police statements as factual, and the social worker proposed that my son was adopted because of neglect. The Police then gave their evidence about my home in Court and under oath. They were all proved to be lying. The judge dismissed the Police evidence and said it wasn't adequate. The judge found all the allegations about me to be untrue. During the summing up, the judge dismissed all allegations against me. I was delighted with the outcome. The judge then put Orders in place for social services to attend a further hearing to plan how my child was going to be returned to me.

When I returned for the Hearing in Winter 2014 to plan how my baby would be returned to me the court was full of Police Officers. I don't know what was happening, but something was clearly wrong¹⁰⁴. The Judge then made a Placement Order for my son. My child was then placed with potential adopters who were not Romani people. People who knew nothing about him. On this day, my son was stripped of his entire heritage. I applied for a Contact Order, but this was refused because, using the Children and Families Act, social workers had changed my son's identity by changing both his first and last names. I had only found out about this due to putting the Contact application into court and the guardian then informing that my son's name had been changed. In a later hearing, the Judge ordered a statement from the social worker then asking for who took this decision. The social worker stated that they had made moves for adoption because of this "particular" case they felt it was necessary.

¹⁰⁴ The detail described here is a significant departure from legal process and highlights procedural irregularity. This experience is the mother's perception of what happened.

Social services also refused to consider my application for Contact. They stated that my son was at risk of abduction from “all members of the Gypsy community” and that our language is” jargon and used to mislead others from outside our group”.

When the Local Authority applied for an Adoption Order, the Judge who had presided over the case from the beginning left. Before leaving my case, the Judge said that my boy’s adopters should have no input into the Court as it was a conflict of interest. The Judge also had my partition to oppose the making of the Adoption Order on my change of circumstances – namely that my Father no longer knows where I live.

When we arrived at Court with the new Judge, none of the recommendations made by the outgoing Judge were considered. The new Judge allowed the adopter’s statements to be heard in court. I was refused leave to oppose the Adoption Order.

My son has never been on a child protection plan. I have never been charged with any offence relating to the allegations brought against me. I am innocent of all wrongdoing, yet my child and my life has been stolen from me.

Case study 2 – Unfit to parent because Travellers lack cognitive development

I am looking after my Grandson under a Special Guardianship Order because his mother can no longer care for him.

Getting the Special Guardianship Order was a terrible experience for me. I have buried three of my own children, experienced domestic abuse and now live away from my family and community because that is what the social worker said I would have to do if I wanted to look after my grandson.

When I applied for Special Guardianship the Local Authority refused. There were lots of reasons why they refused. But the most upsetting reasons were because I am an Irish Traveller.

One report said that my grandson was not meeting his cognitive abilities because he was living in an Irish Traveller culture. The report said that there are signs of significant concern in relation to my Grandsons cognitive and emotional development which were culturally determined. The report also said that my grandson suffered harm because of my oppositional behaviour and the lack of emotion that I give to him. The report that I was oppositional and unable to be emotional because I was a Traveller and because of the lack of cognitive development as seen in Travellers. In the report, the author concluded that the Traveller culture influenced my Grandsons development adversely.

To my knowledge, there is no theoretical or empirical evidence to substantiate the claim that Irish Travellers lack cognitive development. The worrying message contained within the psychologist report is that my grandson needs to be saved from a ‘Traveller culture’. This view is complicit with wider concerns related to institutional racism.

Some people are unaware that English case law recognised Irish Travellers as an ethnic group in 2000 in *O'Leary v. Allied Domecq*. Now protected by the **Equality Act 2010**, Irish Travellers must not be discriminated against because of **their race**. By suggesting that Travellers all lack cognitive development the author of the report is clearly breaking the law, yet nothing has been done about this.

With the support of my advocate, I have liaised with the Equality Human Rights Commission. As per their advice, I have also logged a complaint with the Health and Care Professionals Council about the author of the report and other related parties on the basis that the assessment of me and my family contains racist and discriminatory remarks. They said that they could not do anything because the case was in court. They closed my complaint

In another report, the assessing professional failed to recognise that my family's ethnicity as 'Irish Traveller' is an ethnicity. I was defined as White British. By suggesting that I am White British fails to consider my ethnicity or culture. Whilst some people remain ignorant to equality legislation and duty, I would not expect a professional social worker, who is making a decision that could impact on my grandson's right to family life, to lack this basic knowledge.

By failing to recognise and validate my ethnicity, the assessing professional advanced no understanding or valid cultural perspective in relation to my family's situation, my previous Marriage, my experience of Domestic Violence, the impact of community separation and the experience of living in a house, or my experience of discrimination and oppression and the associated links between these factors and my family's life more generally. All this basic information is essential in the context that my ethnicity as an Irish Traveller.

The report also suggested that the Special Guardianship Order should not be granted because my relationship with my extended family is tense and because I was not divorced from my husband.

It was true to say that my relationship with my extended family is tense because I have separated from my husband, my family, and community because that is what the social worker said I had to do. As an Irish Traveller with strong Catholic beliefs, the assessment of me failed to recognise that the vows I made at my wedding are binding in the eyes of God. The fact that I have been asked to demonstrate the strength and courage to separate from my husband is of significant importance, but the assessor did not see this. The fact that I am not divorced only has implication if the assessing professional was capable enough to recognise that divorce is not tolerated in the Catholic religion. The fact that my religion, and the implications this has for my ability to divorce my husband, is not considered in this assessment demonstrated that the professional and the person supervising them lacks cultural and religious competence in this area of family life. The fact that a professional could say that I am unsuitable for a Special Guardianship Order because I am separated but not divorced is unacceptable.

Eventually, and after a week's long court hearing, my barrister managed to challenge all the negative reports about me. I was awarded Special Guardianship Order, but nothing has ever been done about the racist things that were said about me. This was all just brushed under the carpet. I suppose that professional is still out there writing racist things about Travellers.

10 Summary and Recommendations

“Children want to be respected, their views to be heard, to have stable relationships with professionals built on trust and to have consistent support provided for their individual needs. This should guide the behaviour of professionals. Anyone working with children should see and speak to the child; listen to what they say; take their views seriously, and work with them collaboratively when deciding how to support their needs.”¹⁰⁵

This report set out to consider the scale and nature of child protection with Romani and Traveller children living in England. It aimed to:

1. Highlight the principal reasons for child protection involvement with Romani and Traveller children;
2. Map the placement type and legal status of Romani and Traveller children involved in child protection systems;
3. Examine the reasons for the placement of Romani and Traveller children in state care;
4. Explore how child protection professionals describe their work with Roma children; and,
5. Shed some light on the experiences of families who have experienced child protection involvement.

The data collected to inform this report identified four significant findings:

- Finding 1: Without effective casework, supervision and training, child protection professionals can assume that a Romani and Traveller children are at more risk of harm than any other child because of their culture. These assumptions then lead to unreliable and unverifiable assessments and examples of oppressive and coercive practice.
- Finding 2: Successful child protection practice with Romani and Traveller children requires that professionals engage in exercises of pre-reflection to ensure that child protection procedure is only instigated because there are verified concerns about a child’s welfare.
- Finding 3: The current structures of child protection appear to be creating a two-tier system in some regions in England. This means that the lack or potential dilution of accessible community-based early help services fails to identify those Romani and Traveller children who might be in need. The reduction in early help also fails to prevent needs escalating to a point where intervention would be deemed required via a statutory assessment under the Children Act 1989.
- Finding 4: A lack of opportunity associated with time, training, resources, mediation, advocacy and community-based practice combine to mean that some child protection professionals are ill-equipped and under pressure. Taken together this means that some of the decisions made by child protection professionals do not always reflect the best interests or the actual views of the child.

¹⁰⁵ Her Majesty’s Government (2015) Working together to safeguard children: a guide to interagency working to safeguard and promote the welfare of children. London: The Stationery Office.

These four findings suggest that the child protection system in England does not consistently support child protection professionals to develop the professional competence needed to effectively safeguard Romani and Traveller children within their own families. Considering the four key findings presented in this report, it must be argued that only specific and coordinated action is needed to achieve the following recommendations.

Recommendation 1 – Disaggregate the terms Gypsy/Roma in Government and other official census data

Understanding why there has been a disproportionate increase in the number of Romani and Traveller children being taken into state care in England is complex. The main barrier is the decision by the Department for Education in England to group the terms ‘Gypsy’ and ‘Roma’ together. The fact that both groups maintain their own sense of identity and separateness from one another is not represented in government reports. Not only does the joining of these two terms highlight the inability of the Department of Education to recognise the importance of ethnicity, but also, consistent with broader concerns across Europe, the failure to value the importance of individual representation or individual circumstance. Given the reported importance of government surveys in the identification and evaluation of resources for children living in state care, the inability of the Department of Education to accurately represent the numbers of Romani and Traveller has a serious implication on placement policy, placement planning, placement regulation and equal opportunity.

Recommendation 2 - Professional Training

It is imperative that child protection professionals seek to understand the many causal factors involved in child maltreatment and develop a professionally competent perspective which encompasses ethnicity, culture and the lived experiences of children and their families. While some Romani and Traveller families experience risk, they also experience many unique challenges and stressors that may impact on them and lead to the involvement of child protection professionals. It is therefore essential that child protection professionals receive training at a minimum of the following four levels:

- Undergraduate training leading to professional qualifications must include professional competency components including anthropological techniques of assessment.
- Postgraduate and higher specialist training must include professional competency with specific certification for this issue.
- Continuing Professional Development activities should reflect an adequate body of evidence to enable safe child protection practice with Romani and Traveller children.
- The Director of Children’s Services and Lead Member for Children’s Services in Local Authorities must ensure that professional competence/capability of its child protection professionals, Independent Reviewing Officers, foster parents and legal teams is monitored.

Given the nature of the concerns that have been listed in this report, innovation in practice should not be viewed as attained once a child protection professional has been on cultural competence

training. This suggestion is controversial because there is a growing industry in cultural competency training. However, unless training is provided on child protection, ideally by social workers with a Romani and Traveller heritage who understand the complications and pressures in child protection, cultural competence training could reinforce stereotypes and homogenisation. Instead, training and innovation should focus on child protection confidence and competence.

Whilst there is evidence that culturally competent practice enhances children's well-being and an understanding of how variations in child rearing are understood by families¹⁰⁶, no single professional can ever hope to develop knowledge of the world's cultures and their specific systems of knowledge. Instead, the term professional competence should be incorporated into staff development and performance indicators thus recognising that in child protection practice two systems of knowledge are combined.

Child protection professionals are experts in law, health, education and child development; families are experts in their own experiences. Thus, child protection assessments must be viewed as two-way learning encounters. To achieve this goal, child protection professionals need to be 'professionally competent' by remaining confident, open and willing to seek clarification when presented with unusual or unfamiliar situations. In short, professional competence requires the incorporation of anthropological techniques into assessment to realise truly credible and verifiable.

Recommendation 3 – Engage with models of pre-reflection

The need to avoid discrimination must begin at the point of referral. Effective pre-reflection requires child protection professionals to understand what they might be bringing to the working relationship in terms of attitudes and beliefs, and to what extent these simply reflect wider discriminatory values. Professionally competent pre-reflection practice further demands specific efforts to consider how presuppositions may influence professional judgements and undermine the legitimacy and legality of any assessment. The suggestion is for pre-reflection by spending a small amount of time to self-identify thoughts and feelings and to critically recognise and analyse the potential impact of these on professional practice before any action is taken.

Critical reflection is a prerequisite for professional competence¹⁰⁷. The purpose of teaching critical reflection is to enable child protection professionals to embed this approach into the praxis of their work, as they become autonomous and critical thinkers who can reflect on society, their professional role, and the impact of child protection practices¹⁰⁸. Whilst several models are developed to support reflection 'on' and 'in' practice, empirical and theoretical attention to critical reflection, 'pre' practice has not been advanced in equal depth.

¹⁰⁶ Harrison, G., and Turner, R. (2011) Being a 'Culturally Competent' Social Worker: Making Sense of a Murky Concept in Practice. *The British Journal of Social Work*, Volume 41, Issue 2, (1) pp 333–350.

¹⁰⁷ International Federation of Social Workers (2017) Global Definition of Social Work. See: <http://ifsw.org/policies/definition-of-social-work/>.

¹⁰⁸ Fook, J., & Gardner, F. (2007). Practising critical reflection. A resource handbook. Maidenhead: McGraw Hill Open University Press.

Conceived through phenomenological assumptions, the model of pre-reflection detailed in Table 21, highlights the critical pre-reflection stage of practice to explicitly acknowledge the involvement of the *self* and the extent that the lived experience of the ‘self’ becomes the key component in social work assessment¹⁰⁹. By orientating child protection professionals to what is hoped to be an accessible framework for pre-reflection, the conceptual model seeks to encourage empathy, discernment, and mindfulness of the self and others, to articulate how populism and presupposition can hinder approaches to anti-discriminatory practice.

The conceptual model detailed in Table 21 has been developed by Allen¹¹⁰ for the exploration and interpretation of experience. It requires individual child protection professionals to uncover and then manage individual presuppositions toward Romani and Traveller people that are often tacit, hidden, or denied.

Table 21: A model of pre-reflection

Stage	Words and phrases
Write a list of words or phrases to describe what you might be thinking and how you might be feeling about working with Romani and Traveller Families.	
Write out the ways in which these thoughts and feelings might impact on your work	
Write a strategy to reduce the impact of these thoughts and feelings on your work	
Write a list of words or phrases to describe what Romani and Traveller families might be thinking and feeling about working with you.	
Write out the ways in which these thoughts and feelings might impact on your work	
Write a strategy to reduce the impact of these thoughts and feelings on your work	

Recommendation 4 – Develop opportunities for an appreciative inquiry

Each child protection professional who took part in this study noted how a lack of a credible evidence-based practice with Romani and Traveller children and families can result in the failure or inability to work effectively. As shown in section 7, a focus on strengths-based assessment could help to minimise the risks associated with automatic prejudice. One possible way to achieve a strengths-based assessment is by incorporating the central premise of an appreciative inquiry¹¹¹. Where used alongside existing assessment frameworks, including

¹⁰⁹ Allen, D (2016) ‘It’s in their Culture’: Working with automatic prejudice towards Gypsies, Roma and Travellers in care Proceedings’ Seen and Heard, 26(2) pp 40 - 52.

¹¹⁰ Allen, D (2017) ‘Is Discrimination Natural: Social Work with Roma children and Families’, in: Bhatti-Sinclair, K & Smeathurst, C (eds.), *Social Work Skills*, Policy Press, Bristol, UK.

¹¹¹ Bellinger, A., and Elliott, T. (2011) What Are You Looking At? The Potential of Appreciative Inquiry as a Research Approach for Social Work, *The British Journal of Social Work*, Volume 41, Issue 4, 1 June 2011, pp 708–725.

The Assessment Framework for Children and Families in Need¹¹², or the Signs of Safety approach¹¹³, an appreciative inquiry approach to child protection practice may make the performance of child protection professionals more effective. Enabling practitioners to confidently speak about automatic prejudice and creating new narratives is the first crucial step to achieve professional competence and practice wisdom. As shown in the positive examples of practice reported in this report, such inquiry is accomplished by changing the way that a child protection worker interacts with Romani and Traveller people. This requires child protection professionals to adopt a new language that is enforced by appreciative discourse and which, at the same time, rejects intolerance and prejudice.

Recommendation 5 – Provide effective supervision

The lack of time and opportunity was a common theme raised by child protection professionals who participated in this study. Overcoming this obstacle requires Local Authorities to recognise the impact of large caseloads on the quality of work and on the health and well-being of staff who may feel de-skilled when working with Romani and Traveller children. Regular and effective supervision must also be adhered to. This requires those in supervisory positions to be given sufficient time and skills to be able to act as a critical friend. Senior managers, legal teams, Independent Reviewing Officers and children's guardians must be sufficiently knowledgeable in working with Romani and Traveller children if they are to challenge the analysis and recommendations of junior or inexperienced child protection professionals.

Recommendation 6 – Develop effective systems of communication for families who are mobile

The number of Romani and Traveller children moving and travelling around England is increasing. Recorded unauthorised encampments have increased by 28 percent since 2006 to almost more than 20,000¹¹⁴. To deal with this increase, government officials have introduced new tough measures to deal with unauthorised encampments, including setting up special magistrates' courts that can use Committal Orders and Instruct the eviction of children and families on weekends and during the night.

As the number of Romani and Traveller children moving and travelling around England grows, it is vital that child protection professionals maintain an awareness of how easily information and child protection networks can be lost if a family moves between regions. Robust action must be taken to ensure that appropriate multi-agency planning is put in place for children who travel. Local authorities, the police, education, housing and the health service, and

¹¹² Her Majesty's Government (2015) Working together to safeguard children: a guide to interagency working to safeguard and promote the welfare of children. London: The Stationery Office.

¹¹³ Turnell, A., & Edwards, S. (1999) Signs of Safety: A safety and solution orientated approach to child protection casework. New York: W.W. Norton & Company Inc.

¹¹⁴ House of Commons Library (2017) Unauthorised encampment. Available at: [file:///C:/Users/User/Downloads/CDP-2017-0176%20\(1\).pdf](file:///C:/Users/User/Downloads/CDP-2017-0176%20(1).pdf).

all other agencies who have a specific ‘duty to co-operate’ in child protection should establish one national and coherent policy on how to work with children who are mobile and who are assessed as being at risk of harm. This single national policy should ensure that surveillance systems and multi-agency information sharing protocols are clearly set out. Regulatory bodies (including Ofsted) should also ensure that the same are being adhered to.

Child protection professionals must also be enabled and equipped to conduct best interest and impact assessments on families and children living with the threat of eviction. Where eviction is likely to jeopardise the welfare of the child, child protection professionals must be supported to and challenge the tough measures designed to stop unauthorised encampments using United Nations Convention on the Rights of the Child 1989 article 3.1 and the relevant Children Act whilst advocating for more suitably permanent and authorised accommodation.

Recommendation 7 – Provide mediation and advocacy

Many Romani and Traveller families are worried about child protection intervention but often struggle to make sense of and understand child protection involvement. By providing Romani and Traveller parents and children with mediation and independent advocacy, child protection professionals could begin to empower people to reach their full potential during the crucially important early stages of assessment. People deserve the right to engage child protection systems during initial meetings with confident self-determination and preparedness for proactive participation.

The detail of this recommendation is no different for any other family, but it must be noted that child protection procedures might feel particularly alien to members of Romani and Traveller communities if they have had very little contact with formal government structures, and in any case, feel under threat from them. In this context, it is particularly important that families have information about their rights including sources of independent support and the relevant complaints procedures. However, at the same time as working effectively with families, good practice demands that the child is placed at the centre of the social work intervention.

Where Care Proceedings are initiated, Romani and Traveller families can often find the experience of attending court intimidating and scary. When required, families should be provided with an Independent Advocate who can attend hearings with families to inform them about the process, act as a form of support, process the outcome of the hearing, and enable families to understand any subsequent Order, plan or recommendation.

Recommendation 8 - Maximise cultural continuity for Romani and Traveller children living in state care

Recognising the deletion of the revocation of s1(5) from the welfare checklist in the Adoption and Children Act 2002 by the Children and Families Act 2014, professionally competent Care Proceedings must maximise cultural continuity for Romani and Traveller children, so long as it is safe, and the child’s wish, to do so. This means that, wherever possible, children

should be placed with Romani or Traveller foster parents or adoptive parents. At all times kinship networks, schools, and friendships should be maintained, as should contact family members and the child's wider community where this is appropriate. Not only is this essential in terms of reducing the risks associated with long-term emotional distress, it also reflects the need to ensure that children understand that where they cannot live with their birth family, this does not imply a criticism of the wider community of which they are a part of.

Recommendation 9 – Develop models for community engagement

Current structures of child protection work, which have moved far from any community orientation, no longer help child protection practitioners in the task of sensitive community engagement. Local Authorities must seriously reconsider the need to implement models of community social work as is currently being implemented in Haringey by the Travelling Peoples Team, a team of designated community development workers who can:

- Support and develop knowledge, values, and skills within the workforce building confidence for child protection professionals to become actively involved in creating local solutions for Romani and Traveller children;
- Support local groups so that child protection professionals can be partners in developing services with Romani and Traveller communities thus identifying gaps in current service provision;
- Support to develop local family support networks and to become involved in self-help projects with Romani and Traveller families; and,
- Signpost to sources of family support so that local Romani and Traveller people can develop their own social, emotional and material capital to act in meeting their own needs before reaching a crisis.

Maintaining opportunities to develop models for community engagement in child protection practice amid severe cuts to Local Authority budgets and streamlined administrations is not easy. Haringey is one of the only local authorities in England that has achieved this by maintaining its small unique specialist award-winning team¹¹⁵. Working with 2,500 Romani and Traveller people living in the borough, Haringey Travelling Peoples Team have incorporated and developed community models of social work¹¹⁶ alongside Signs of Safety approaches¹¹⁷ to practice and provide an essential bridge between child protection professions and Romani and Traveller communities

115 Haringey Council (2013) Roma & Irish Traveller Needs Assessment. Available at: http://www.haringey.gov.uk/sites/haringeygovuk/files/haringey_council_roma_and_irish_traveller_needs_assessment__april_2013_.pdf.

116 Mayo, M (2000) *Cultures, Communities, Identities: Cultural Strategies for Participation and Empowerment*. Basingstoke: Palgrave.

117 Turnell, A., & Edwards, S. (1999) *Signs of Safety: A safety and solution orientated approach to child protection casework*. New York: W.W. Norton & Company Inc.

Recommendation 10 – Write a single national policy on Working Together to Safeguard Romani and Traveller children

The findings presented in this report suggest that child protection systems do not need reform but that they do need to be “reframed”. The challenges that child protection professionals face must be acknowledged so that (better) support and guidance can be provided to them. For this reason, the final recommendation is for the development of a single national policy entitled ‘Working Together to Safeguard Romani and Traveller children’. Whilst current guidance covers the legislative requirements and expectations on individual services to safeguard and promote the welfare of children, the **homogenisation of a single approach to assessing and understanding risk** is arguably creating fragility in professional competence. Based on the disproportionate increase in the number of Romani and Traveller children entering state care, it could also be argued that the assessment framework endorsed by that policy does not accurately account for a Romani or Traveller perspective or for the presence of professional discrimination.

There exist several assessment tools that could be better applied by professionals to enhance professional competence. One such framework is the Signs of Safety approach created in Western Australia during the 1990s by Andrew Turnell and Steve Edwards¹¹⁸ and already used by several Local authorities in England. If used effectively, Signs of Safety could complement the ‘Assessment Framework for Children and Families in Need’ and provide a valid and credible approach to assessment. Most importantly, Signs of Safety could provide clearer opportunities for child protection professionals to:

1. Enable parents to better understand and be clearer about what is expected of them and the support that might be needed.
2. Reflect on automatic prejudice and structural discrimination
3. Facilitate transparent and shared decision-making
4. Be specific and substantiate their concerns for the child’s safety
5. Present verifiable evidence of safety and harm
6. Present information on the protective elements **comprehended risks, and family aspirations** visually for all families to understand and take forward, thus preventing or changing cycles of harm.
7. Focus on family strengths and a specific pathway to achieve safety
8. Provide a more accurate, essential evidence-based assessment that draws on the perspectives of all people to determine ultimate decision making and overall best outcomes for children.

Again, Haringey Travelling Peoples Team has shown that child protection professionals can achieve the recommendations presented here if opportunities are supported to change the general working culture and to focus on community-based collaborations¹¹⁹. By combining

¹¹⁸ *Ibid.*

¹¹⁹ Haringey Council (2013) Roma & Irish Traveller Needs Assessment. Available at: http://www.haringey.gov.uk/sites/haringeygovuk/files/haringey_council_roma_and_irish_traveller_needs_assessment__april_2013_.pdf.

community-based perspectives developed by Mayo¹²⁰ into the models of child protection, professionals could then consistently use Signs of Safety to work in partnership with families and children to conduct risk assessments and produce action plans for reducing risk and danger by increasing safety. Effective organisational support must occur to enable professionals to carry out their duties and responsibilities more justly and equally.

¹²⁰ Mayo, M (2009) 'Community Work'. In Adams, R, Dominelli, L, and Payne, M Eds (2nd Edition) *Critical Practice in Social Work*. Palgrave: London.

11 Conclusion

“Every assessment should reflect the unique characteristics of the child within their family and community context.”¹²¹

In capturing information from government data sets, the views and experiences of child protection professionals and Romani and Traveller families, this report has reflected the variety of stereotypical views that are generally dominant in society. Clearly, a subscription to a regulatory professional body such as the Health and Care Professional Council, the Nursing and Midwifery Council and proposed new regulatory body for social work, ‘Social Work England’, does not make child protection professionals exempt from prejudice. The suggestion that there appears to be no credible training presented either by professional challenge or in child protection education only serves to frame the way Romani and Traveller people are seen and the fragmented approached to practice that has been described.

There is a clear need for a challenge to the dominant narrative and to recognise the impact of automatic prejudice on child protection practice. This requires skill and the ability to ensure that all assessments, decisions, plans, and reviews are rooted in the reality that appreciates of the child’s worldview. Research has shown that taking a systematic approach to child protection inquiries using a conceptual model is the best way to deliver a comprehensive assessment for all children¹²². According to the Working to Safeguard Children policy¹²³, a good assessment is one which investigates three domains. First, the child’s developmental needs, including whether they are suffering, or likely to suffer, significant harm; second, the parents’ or carers’ capacity to respond to those needs; and third, the impact and influence of wider family, community, and environmental circumstances.

In all cases, the realities of the child, their families, and their experiences of safeguarding services must be assessed and given credit. However, considering the findings presented in this study, it is arguable that the position, experiences, expectations, worries, and fears of the child protection professional should be included too. For this reason, there seems a need to include a fourth domain in the assessment of Romani and Traveller children, namely, and respectfully, the professional competence of the professional. If a child protection professional is scared about working with Romani and Traveller families, or if they feel that they do not have the time, energy or resources to work effectively, these factors should be noted as a significant domain within the assessment and perhaps listed as an additional worry in any child protection plan.

¹²¹ Her Majesty’s Government (2015) Working together to safeguard children: a guide to interagency working to safeguard and promote the welfare of children. London: The Stationery Office.

¹²² Brunnberg, E., & Visser-Schuurman, M. (2015). The methodology of focus groups on children’s rights composed of children in vulnerable situations. A comparative study conducted with children in Bulgaria, Greece, Hungary, Ireland, the Netherlands, Poland, Sweden and the UK, Golden Research Thoughts 4(7) pp1-8.

¹²³ Her Majesty’s Government (2015) Working together to safeguard children: a guide to interagency working to safeguard and promote the welfare of children. London: The Stationery Office.

Self-assessing professional competence in cases related to Romani and Traveller children could be enabled through the Signs of Safety approach to practice. However, speaking openly and honestly about professional competence will take courage, particularly as this level of creative and critical reflection requires a safe, open and transparent acceptance of limitations in practice.

For managers and child protection policy makers, professional competence should not be used to highlight matters related to capability and performance, although for some professionals this might be necessary, it should be used to highlight the impact of discrimination, the severe cuts to staff development training, the reduction in family support services.

People who contributed to this study spoke at length about the impact of austerity and how it is creating a two-tier system of community-based support. The reduction in early help services is creating a lack of understanding and diversity in service provision that impacts the threshold for intervention. The limited availability and reliability of interpreters and the rolling back of Traveller Education Services are also widening a gap in family support, which child protection professionals are now seeking to understand and fill. Put simply, austerity is making the role of child protection harder, because it is making the lives of children and families harder.

The recommendations advanced in this report are not intended as a panacea. Indeed, this report represents a preliminary investigation into the scale and nature of child protection with Romani and Traveller children in England. However, if child protection professionals can begin to revive a community-based approach to practice and then embed an appreciative inquiry into the praxis of each child protection assessment, which includes challenging the perceptions of Romani and Traveller families more broadly, they might be better able to externalise automatic prejudice and highlight the need to find a more credible way of working together to safeguard all children.

Appendix 1: Pre-test questionnaire

Online Survey facilitated through Survey Monkey web service.

This questionnaire will take between 15 and 45 minutes to complete.

It will ask you to reflect on and outline the scale and nature of your work with Romani Families. It will also ask you to consider the barriers and opportunities for effective safeguarding and child protection practice.

Please do not include any information that could identify you or the children and families who you are working to support.

- 1. I have read and understood the participant information sheet and have had the opportunity to ask and have my questions answered by the researchers. I understand that by completing this online questionnaire I am consenting to participate in the research (please tick).

Yes		No	
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2. What is your job title?

3. How long have you been working to safeguard Romani children?

4. In general, what is the nature of your work with Romani children and families?

5. What are the biggest challenges you face when working with Romani children and families?

6. Do you feel that Romani children are at more risk of harm than any other children? (please tick)

Yes		No		Don't know	
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7. If you answered yes to question 5, please explain the reason why.

8. Romani children are reported to be overrepresented in matters related to Child Protection in the UK. Why do you think this might be?

9. Have you ever worked with Romani people from Central and Eastern European Countries? (please tick)

Yes		No		Don't know	
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10. In light of your upcoming training, what specific topics would you like to see covered?

Appendix 2: Using Vignettes to externalise value judgments in child protection

Vignettes were used to explore people’s broad perceptions of working with Romani and Traveller families. To commence this activity, professionals were asked to get into pairs. Each person was then given a letter (A and B) and then provided with sticky note paper and a pen.

With A's and B's stood back to back, A's were asked to face the front of the training room where the projector was located. B's faced toward the back of the room.

A's were asked to imagine that they had been asked to conduct an initial home visit to a property following police concerns about a domestic disturbance where children were present. They were shown a photograph of a stereotypical street and then asked to write down words to describe what they were thinking and how they were feeling about conducting this visit.

Once the A's had finished writing, the pair was asked to turn around without speaking. This time B's faced the front of the training room A's face toward the back of the room.

B's were asked to imagine that they had been asked to conduct an initial home visit to a property following police concerns about a domestic disturbance where children were present. They were shown a photograph of a stereotypical site and then asked to write down words to describe what they were thinking and how they were feeling about conducting this visit.

Appendix 3: Semi-Structured Interview Guide

1. In your experience, what are the biggest threats to the welfare of the Romani and Traveller children who you work to support?
2. Do you believe that current approaches to Child Protection can include and account for the needs of Romani and Traveller children?
3. Do you feel that Child Protection systems discriminate against Romani and Traveller families?
4. We have seen evidence to suggest that Romani and Traveller children may be three times more likely to be taken into care than another child. Why do you think this might be?
5. If Romani and Traveller Children are taken into state care, are they able to live in kinship care placements?
6. If we were to invite Romani and Traveller children and families to this discussion and ask them to talk about their experiences of living in state care, what do you think they might say?
7. What needs to be done to promote more effective work with Romani and Traveller children and families?