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CLINKS  
RESPONSE

# Response to the Women and Equalities Committee inquiry into tackling inequalities faced by Gypsy, Roma and Traveller communities

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## About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working with offenders and their families. Our aim is to ensure the sector, and those with whom it works, are informed and engaged in order to transform the lives of offenders and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 500 members including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts, which include individuals and agencies with an interest in the criminal justice system and the role of the voluntary sector in the resettlement and rehabilitation of offenders.

Many equality and minority groups are over represented in the criminal justice system (CJS) and a large proportion of the people in the CJS face some form of discrimination or disadvantage because of being from an equality and/or minority group. As a result Clinks and many of the voluntary sector organisations we represent have a particular focus on representing, working with and improving outcomes for people with protected characteristics.<sup>1</sup>

## About this submission

Clinks' submission examines developments in the CJS to address the inequalities faced by people from Gypsy, Roma and Traveller communities since 2012, when a ministerial working group published 28 commitments for tackling inequalities faced by Gypsies and Travellers. In particular we focus on progress towards the commitments set out to improve interaction with the National Offender Management Service (NOMS):

- **Commitment 19:** The National Offender Management Service will monitor the population of Gypsies and Travellers in prison and under probation supervision, to ensure access to activities is appropriate and meets the needs of Gypsies and Travellers through their rehabilitation.

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supporting voluntary organisations that  
work with offenders and their families

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- **Commitment 20:** The National Offender Management Service will regularly review the good practice guidance provided to staff on equality and diversity to ensure information and cultural awareness of Gypsy and Traveller culture is incorporated and that it adequately addresses the needs of Gypsy and Traveller offenders.
- **Commitment 21:** The National Offender Management Service will revise the equalities training provided to new entrant prison officers with an expectation that sessions on race equality will include Gypsy and Traveller issues and awareness.
- **Commitment 22:** The National Offender Management Service will introduce a cluster arrangement of prisons overseen by a Lead Governor who will have greater discretion to commission the offender learning and skills provision required locally to best meet the needs of the offenders they are managing.

We also provide information on other areas of inequality for Gypsy, Roma and Traveller (GRT) communities that affect their interactions with and experience of the criminal justice system.

Where relevant we offer examples of good practice and policy recommendations that could be implemented at national and local level, and in the current context of criminal justice reform and prison governor empowerment, in order to tackle these inequalities.

Clinks has prepared this submission in consultation and partnership with five of our members working specifically with people from GRT communities in criminal justice settings.<sup>2</sup> Our submission is also informed by written information provided to us by NOMS Equalities Rights and Decency Group on their progress towards the 2012 government commitments.

## Executive summary

In this submission we highlight several issues and recommendations based on existing research and consultation with the voluntary sector, summarised below.

- CJS staff should proactively review ethnic monitoring data forms on a regular basis to provide ongoing opportunities for identification. There should be mechanisms for equalities information disclosed by service users to any professional working in the CJS from either the statutory, voluntary or faith sectors (such as the chaplaincy), to be recorded at that time with the service users' permission.
- Ongoing concerted and proactive effort is required to encourage understanding of the importance of ethnicity monitoring and its purpose for both staff and people who have offended in order to encourage self-declaration.
- Renewed consideration needs to be given to the categories used to monitor membership of GRT communities in order to provide consistency and an opportunity for groups who may not identify with the category 'Gypsy/Irish Traveller' to self-identify.
- There must be consistent monitoring of individuals from GRT communities across the whole CJS including Community Rehabilitation Companies and the National Probation Service.
- Additional and ongoing training and dissemination of good practice is required across the prison and probation service, including to ensure that Community Rehabilitation Company staff receive appropriate and consistent training with regards to GRT communities.
- Changes implemented to education in prisons as a result of the Prison Safety and Reform White Paper (and subsequent bill) and the Coates Review should ensure that flexible and informal approaches to education are made available for GRT prisoners.

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- A centralised strategic approach to consistently tackling inequalities faced by people from GRT communities in the criminal justice system is required. This should take into account and inform the wider changes taking place in the system.
- Accountability mechanisms should be implemented to ensure that in the context of increased prison governor autonomy, equality issues including outcomes for GRT prisoners, are prioritised.
- Prisons should ensure that information about accessing services in prison is available in a range of languages and formats to ensure the information is accessible to those with literacy difficulties or for whom English is a second language. Appropriate translators should be used to explain the prison regime and services available to prisoners with a poor understanding of spoken English.
- Probation workers should take steps to ensure that Roma clients understand the conditions of their licence and the reasons for their supervision.
- The National Offender Management Service should establish a formal mechanism through which to engage and consult with GRT communities and the voluntary sector working with them. A tangible first step towards this would be for NOMS to consult with GRT communities and voluntary organisations in the development of the 2017 Equality Strategy.
- Each prison holding GRT people should run a regular Traveller group. Where possible these should be facilitated by specialist voluntary organisations.
- Prisons should consider running separate groups for Roma people, facilitated in their preferred language.
- The National Probation Service and Community Rehabilitation Companies should consider mechanisms for service user involvement, specifically for people from GRT communities, in order to inform their practice. NOMS could facilitate this by providing lessons of good practice from the prison service that could be replicated by probation.
- Prisons should recognise the increased physical and mental health needs of GRT prisoners and take steps to ensure they are able to access health services.
- As recommended by the Prisons and Probation Ombudsman, prisons should be aware that Travellers are at an increased risk of suicide in the community. When assessing levels of risk, this should be taken into account, along with other factors.
- The Youth Justice Board should introduce monitoring of GRT ethnicities across the youth justice system.
- The complaints procedure in youth custodial institutions should be urgently reviewed to ensure that GRT children are able to report incidents of abuse and bullying.
- The Youth Justice Board and youth custodial institutions should strengthen their links with voluntary sector organisations working with GRT communities.

### **Our definition of Gypsy, Roma, Traveller communities**

In preparing this submission Clinks was conscious that there is ambiguity over who is included in the 'Gypsy, Roma, Traveller communities' category. Different government departments and agencies refer to the group in different ways often offering no definition of who is included or excluded. Indeed even within this inquiry's terms of reference the categories 'Gypsy, Traveller, Roma communities' and 'Gypsies and Travellers' are used interchangeably.

For the purposes of clarity, Clinks refers to Gypsy, Roma, Traveller communities and understands this category in its widest possible sense to include people who may identify as Romany Gypsy, Irish Traveller, New Age Traveller, Scottish or Welsh travellers,



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or Showpeople. In addition we understand it to include Roma people who have arrived here more recently as a result of European Union expansion in 2004 and 2007. In using the term we recognise the complexity of a single category including such diverse groups and that Travellers will not always identify with the term 'Gypsy' and vice versa.

## Our submission

- 1. What progress has been made in achieving the commitments of the Ministerial Working Group on tackling inequalities experienced by Gypsies and Travellers?**
- 2. Have these commitments delivered a tangible improvement in the position of Gypsy and Traveller communities?**

To respond to these questions we take each commitment relating to NOMS in turn below and discuss the progress made and its impact.

### Commitment 19

NOMS will monitor the population of Gypsies and Travellers in prison and under probation supervision, to ensure access to activities is appropriate and meets the needs of Gypsies and Travellers through their rehabilitation.

#### Progress towards achievement

The prison case management system – Prison NOMIS – has switched to the 2011 census codes, and the category 'Gypsy, Irish Traveller' is now available to new prisoners being received into prison. In addition the Equality Information Form which captures data on protected characteristics at the first point of contact at court, for all offenders adjourned for any type of Pre-Sentence Report, also uses the 2011 census coding.

#### Impact on position of Gypsy and Traveller communities

The organisations Clinks spoke to in preparation of this submission agreed that the addition of the W3 census code to Prison NOMIS and the availability of this data had a significantly positive impact. It has led to greater visibility for people from GRT communities in prison, made prisons accountable for meeting their distinct needs through tailored provision and in some prisons resulted in greater awareness and acceptance of the culture of GRT communities.

However, despite this progress, an accurate picture of the GRT prison population has not immediately become available. Prisoners who were already at a prison before the new codes came into use will not have had the opportunity to identify as Gypsy, Irish Traveller as the data is collected upon reception into the prison.

Clinks' *Tackling Inequalities in the Criminal Justice System* report recommends that opportunities for disclosing and recording membership of a protected characteristic group should be available beyond a single point in an individual's journey through the CJS or within any particular establishment or agency.<sup>3</sup> This is echoed by the Prisons and Probation Ombudsman who has highlighted the need to update records of prisoners who entered the system prior to the introduction of the W3 census code category on Prison NOMIS.

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**Recommendation: CJS staff should proactively review ethnic monitoring data forms on a regular basis to provide ongoing opportunities for identification and there should be mechanisms for equalities information disclosed by a service user to any professional working in the CJS from either the statutory, voluntary or faith sectors (such as the chaplaincy), to be recorded at that time with the service user's permission.**

A further issue raised by organisations Clinks consulted with is that many GRT people are wary of making their GRT heritage known to prison staff or other prisoners due to fear of discrimination and bullying and a lack of trust in the CJS. The availability of 'Gypsy or Irish Traveller' as a category will not therefore automatically lead to self-identification and accurate data.

Alongside the availability of the correct ethnicity categories there is a need for proactive work to encourage self-identification. Between November 2013 and October 2014, NOMS funded a year-long National Prison Radio project that aired dedicated radio programmes to the Gypsy and Traveller community. The programmes regularly asked prisoners to declare their ethnicity and explained why that was important. Alongside this, NOMS also communicated the need for staff to ask prisoners their ethnicity upon reception into the prison. During this time declaration rates for the 'Gypsy or Irish Traveller' category on Prison NOMIS doubled.

**Recommendation: Ongoing concerted and proactive effort is required to encourage understanding of the importance of ethnicity monitoring and its purpose for both staff and people who have offended in order to encourage self-declaration.**

Clinks has some concern that not all groups understood to be included in GRT communities will necessarily identify with the 'Gypsy or Irish Traveller' category used on NOMIS. In particular it is unclear how people from European Roma communities would be identified through the current categories and consultation respondents felt that there was likely to be a particularly low level of Roma people identifying their background on Prison NOMIS as they would not necessarily identify with the category of 'Gypsy'. Respondents working with Roma people said they would often be more likely to identify their nationality than their Roma ethnicity; many Roma people also have Asian heritage (despite often being categorised as 'White other').

**Recommendation: Renewed consideration needs to be given to the categories used to monitor membership of GRT communities in order to provide consistency and an opportunity for groups who may not identify for the category 'Gypsy or Irish Traveller' to self-identify.**

We were unable to find evidence of the extent to which the commitment to 'monitor the population of Gypsies and Travellers in prison and under probation supervision' had been fulfilled and what action was being taken to address this.

This is particularly pertinent in the context of the reorganisation of the probation service into the National Probation Service (NPS), with responsibility for high risk offenders and 21 Community Rehabilitation Companies (CRCs) responsible for the management of low and medium risk offenders.

Equality Information Form data will be available to NPS staff who complete pre-sentence reports but it is unclear how this information is used by staff within

the CRCs. This is especially important for individuals that receive community sentences, for whom there would be no Prison NOMIS data available.

**Recommendation: There must be consistent monitoring of individuals from GRT communities across the whole CJS including CRCs and the NPS.**

## **Commitment 20 and Commitment 21**

The National Offender Management Service will regularly review the good practice guidance provided to staff on equality and diversity to ensure information and cultural awareness of Gypsy and Traveller culture is incorporated and that it adequately addresses the needs of Gypsy and Traveller offenders.

The National Offender Management Service will revise the equalities training provided to new entrant prison officers with an expectation that sessions on race equality will include Gypsy and Traveller issues and awareness.

### **Progress towards achievements**

NOMS has informed us that good practice guidance, developed in partnership with Nacro, is available to staff on the NOMS intranet. The guidance comprises several annexes including *GTR Myths and Facts* and *A Brief History of Gypsies and Travellers in the UK*. A number of further documents and reports produced by the Irish Chaplaincy's Traveller equality project are also available.

Issues for the management of GRT prisoners are now incorporated into the general training of new prison officers. The students are given case studies involving differing protected characteristics. The training gives them real life examples of operational situations and asks them to consider the implications for the various groups concerned. With regards to probation, NOMS has told us that reference to the particular needs of the individuals from GRT communities features explicitly in the refreshed Probation Officer training that is currently being introduced, with a particular focus on the challenges that these groups may face in complying with community orders or periods of licence, associated with lifestyle.

### **Impact on the position of Gypsy and Traveller communities**

Despite the progress towards this commitment reported to us by NOMS, concerns with regards to staff awareness and attitudes towards GRT prisoners remain.

Organisations we spoke to felt that there was little understanding among prison staff of the cultures of GRT people, the history of discrimination they had faced in wider society and the issues affecting them in prison and on resettlement in the community. This lack of understanding can result in staff resorting to stereotypes perpetuated in the media. Although respondents said that disciplinary action against staff using derogatory language towards GRT people had been taken in some prisons, they noted use of this language and other discriminatory practices are still widespread.

Where respondents felt that there had been some improvement in prison staff awareness of GRT cultures in recent years they didn't attribute this to improved training or any centralised action from NOMS and instead felt that this awareness had been largely driven by individual members of staff or by voluntary organisations. Some members of staff in prison had run events for Traveller History Month and put up information posters about positive aspects of



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Traveller culture around the prison. Some organisations also reported positive engagement from senior management in prisons on the topic of inequalities for GRT prisoners.

One respondent expressed concerns that the shift to larger prisons outside of cities, in the government's plans for prison building, could have a negative impact on the progress that has been made so far. They suggested that these prisons were likely to have a less diverse workforce, with limited cultural understanding around GRT communities, making training around these issues even more crucial.

Despite the issues with staff awareness in prison, more progress was thought to have been made in prisons than other criminal justice agencies such as the police and probation. CRC and NPS staff were thought to have a low awareness of the distinct needs of GRT clients and to make unhelpful assumptions about GRT communities, such as the belief that Traveller sites would be unsuitable for resettlement. These issues are also raised in a 2014 case study of Thames Valley Probation Trust.<sup>4</sup>

In addition to the introduction of refreshed Probation Officer training, NOMS also informed us that some CRCs have legacy arrangements which were inherited from former probation trusts whereby voluntary organisations and representatives from GRT communities deliver awareness raising and training sessions. While we welcome such arrangements, we are concerned that there will be a lack of consistency in the quality and delivery of training across CRCs and the NPS.

**Recommendation: Additional and ongoing training and dissemination of good practice is required across the prison and probation service, including to ensure that CRC staff receive appropriate and consistent training with regards to GRT communities.**

### Commitment 22

The National Offender Management Service will introduce a cluster arrangement of prisons overseen by a Lead Governor who will have greater discretion to commission the offender learning and skills provision required locally to best meet the needs of the offenders they are managing.

#### Progress toward commitment

This commitment refers to the introduction of Offenders' Learning and Skills Service 4 (OLASS) contracts which ran between August 2012 and August 2016 and saw the introduction of a new suite of contracts for the delivery of learning and skills in adult prisons in England. The intention of these contracts was that lead governors working with the OLASS providers were able to determine the most appropriate provision to meet the needs of learners in custody.

#### Impact on Gypsy and Traveller communities

Despite the delivery of OLASS 4 contracts, literacy and access to education continue to be key areas of inequality for people from GRT communities in prison.

Literacy levels of GRT people in prison are extremely low, even compared to low literacy levels in the general prison population, with over half of Irish Travellers in prison having serious problems with literacy.<sup>5</sup> Services in prison are requested through a written form, leaving illiterate prisoners to rely on other prisoners to access any healthcare, education, housing or employment services. Similarly, access to services and employment post-release in the community often relies on a good level of literacy, creating additional barriers to desistance from crime.

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Access to education in prison remains a key issue for GRT prisoners many of whom have had negative experiences of education including bullying, stigma, and exclusion.<sup>6</sup> Poor schooling experiences can lead to a reluctance on the part of GRT prisoners to engage in classroom-based education in prison. For staff with a poor understanding of these experiences this reluctance is often misinterpreted as a lack of interest in learning. However, research by the Traveller Movement<sup>7</sup> has demonstrated that GRT prisoners are highly motivated to engage in education and literacy skills in less traditional settings and particularly when the education is relevant to vocational skills.

The current state of GRT prisoners' literacy levels and access to education in prison is extremely concerning and it is clear that the OLASS 4 contracts referred to in the 2012 commitments have not addressed these issues. Indeed both the Traveller Equality Project<sup>8</sup> and Prisoner Learning Alliance,<sup>9</sup> of which Clinks is a member, highlighted concerns about the impact of the contracts on provision for hard to reach learners. The Traveller Equality Project also criticised the absence of entry level literacy and numeracy classes in the core curriculum obligations.<sup>10</sup> In order to improve GRT prisoners' engagement with and access to education, training and employment respondents felt strongly that more flexibility was required so that literacy difficulties were not a barrier to engaging with wider Education, Training and Employment opportunities.

Encouragingly, the Coates Review *Unlocking potential: a review of education in prison*<sup>11</sup> published in May 2016 echoes this. Although the Coates Review does not reference the needs of GRT prisoners specifically, it acknowledges that not all learners are ready for the classroom and will need a more sensitive and tailored approach to engagement with education:

*"Many prisoners will have previously had unsatisfactory experiences of the classroom. They will need encouragement and support to take their first learning steps. This should include greater provision of high quality creative arts provision, and Personal and Social Development (PSD) courses. Both improve self-knowledge, develop self-confidence and therefore help tackle reoffending."*<sup>12</sup>

Organisations Clinks spoke to were optimistic that the reforms outlined in the *Prison Safety and Reform* White Paper, as well as in the Coates Review report, could allow governors to provide the flexible, tailored approach necessary to meet the needs of and address the previous educational experiences of GRT learners and to consider creative, informal approaches to education.

Recommendation: Changes implemented to education in prisons as a result of the 'Prison Safety and Reform' White Paper (and subsequent bill) and the Coates Review should ensure that flexible and informal approaches to education are made available for GRT prisoners.

### **3. How well has this work been led, managed and monitored across Government? Has sufficient funding been provided, and has adequate funding been identified for the future?**

The CJS is currently subject to ongoing and significant reform and review including changes to the delivery of probation services under Transforming Rehabilitation and reviews of the provision of prison education, the youth justice system, racial bias as well as an ongoing programme of prison reform and increased governor autonomy. This context provides opportunities for tackling the inequalities faced by GRT communities but also risks that, as an area not specifically subject to the scrutiny of current reforms, it is not prioritised or addressed in a coordinated manner while services are in a state of flux.

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Organisations we consulted were frustrated that the inequalities facing GRT people in the CJS seemed to be overlooked by the current programme of reform and were particularly disappointed that the Coates Review report did not specifically focus on educational issues for GRT prisoners. While David Lammy's review of disproportionality and racial bias in the CJS is not expected until summer 2017, respondents were concerned that the emerging findings of the review published in November 2016 contained no information on GRT people in the CJS.<sup>12</sup> Respondents felt that this lack of attention to the inequalities faced by GRT people in the CJS further damaged trust between GRT communities and the CJS.

Alongside this fast pace of change across the CJS, in prisons there have been reductions in prison officer numbers since 2010, as well as increased levels of violence, self-harm, suicide and drug use. Respondents were concerned that this had impacted on the availability of staff to facilitate activities and initiatives aimed at addressing GRT inequality. For instance the work of the Shannon Trust, whose peer mentor based literacy programme in prisons was particularly highlighted as driving improvements in literacy education for GRT prisoners,<sup>14</sup> is supported through a Memorandum of Understanding with the NOMS business development group. It states that every prison should have a band 3 officer allocated for 6 hours per week to support the Reading Plan but staffing shortages and financial pressures on prisons have sometimes prevented this from being implemented in practice.

**Recommendation: A centralised strategic approach to consistently tackling inequalities faced by people from GRT communities in the CJS is required. This should take into account and inform the wider changes taking place in the system.**

With regards to funding, other than NOMS' one year funding of the Prison Radio Association initiative mentioned above, Clinks is not aware of any other specific funding streams that have been made available at a national level to address GRT inequalities within the CJS.

Despite a lack of specific funding for voluntary organisations, they have led the way in drawing attention to the inequalities faced by GRT communities and provided valuable services to GRT people in contact with the CJS. Support from voluntary organisations in prison can reduce violence, self-harm, and suicide through aiding communication with families and addressing GRT prisoners' isolation, and can deliver education outcomes through creative approaches even within the restricted prison regime. In the community the sector can increase compliance with license conditions and reduce reoffending through support that addresses accommodation, employment, education and health needs.

However, respondents raised issues around funding to continue their work, noting that they often did not receive full cost recovery. They felt there was a lack of understanding within the MoJ and NOMS of the resources needed to deliver services in a criminal justice context, with some officials assuming that they could use their wider funding to meet an increasing need within the CJS. These concerns are echoed in Clinks' 'Change and Challenge' report, which finds that many voluntary sector organisations are taking referrals from criminal justice agencies without receiving funding from those agencies to do so.<sup>14</sup>

These funding issues are of particular pertinence given the current context for commissioning criminal justice services. The trend towards large contracts over grant funding can leave small voluntary sector organisations at a disadvantage. Without careful consideration of the impact of commissioning processes on small organisations the CJS risks losing the vital specialist expertise and community connections of organisations working with GRT communities.<sup>16</sup>

**Recommendation:** Grant funding should always be considered as an option particularly for the funding of small organisations with specialist expertise.

#### **4. What mechanisms have been put in place to achieve the Ministerial Working Group's commitments and other policy aims for Gypsy, Roma and Traveller communities?**

Other than the actions undertaken by NOMS noted above to achieve the 2012 commitments, Clinks is unaware of any specific mechanisms at a national centralised level within the CJS that have been implemented to achieve the commitments. As previously noted the CJS is currently subject to a raft of reform and reviews. While concern has been expressed that these reviews do not specifically consider GRT prisoners organisations we spoke to also saw some important opportunities for improving GRT prisoner experiences through them.

In particular the Ministry of Justice white paper *Prison safety and reform* discusses 'empowerment' for prison governors, allowing them increased flexibility and control over the prison regime and prison budgets and encouraging governors to commission services to meet the specific needs of the population in their prison. These changes are currently being piloted in six prisons, with the aim of rolling this out across the estate.

Respondents were hopeful that governor empowerment could lead to more initiatives to address the specific needs of GRT people in prison, where governors were motivated to support this group and could potentially lead to more flexibility around education and training, or to bring in creative initiatives from the voluntary sector.

However, there were some concerns about consistency across the prison estate and accountability for GRT equality, with some organisations fearing that a more localised approach could deepen the inconsistency in tackling GRT issues across the estate.

Respondents thought it was important that accountability measures, such as the 'prison league table' discussed in the white paper, specifically addressed outcomes for GRT people in prison and that governors were held to account by NOMS for progress in this area.

**Recommendation:** Accountability mechanisms should be implemented to ensure that in the context of increased governor autonomy equality issues, including outcomes for GRT prisoners, are prioritised.

#### **5. Is adequate data available to underpin policy-making? Where are the most significant gaps in the evidence base, and what are the reasons for those gaps?**

We have outlined the progress towards monitoring the number of people from GRT communities in the CJS and the barriers to doing this above. We have also pointed to the positive impact of this in making the GRT population visible and prisons more accountable for meeting their needs. However we would also sound a word of caution, particularly at a national level, that there may be a danger that monitoring and collection of data comes to be seen as an end in itself rather than a means to addressing GRT prisoners' needs, improving provision and ultimately outcomes.

## **6. How effectively has policy taken into account the diverse needs of different Gypsy, Roma and Traveller communities, and a developing context including greater use of social media?**

Clinks is concerned by the lack of consistency across government departments and agencies in the categories used to describe people from GRT communities and the infrequency with which a clear definition of those categories is provided. We would suggest that this inconsistency is likely to lead to confusion and a lack of self-identification amongst members of GRT communities and as well as confusion amongst the staff of statutory agencies working with people from GRT communities.

In particular we would point to the ambiguity around whether Roma people from Eastern Europe are included in the group. Roma communities often experience additional disadvantage due to a lack of English skills, lack of understanding of the CJS and a range of issues that affect their routes into and out of the CJS.

In prison, people from Roma communities are often particularly isolated due to poor spoken and written English which increases their vulnerability and affects their ability to access services. Respondents were concerned that appropriate support was not being provided for those with poor English skills to access healthcare, education, employment, other services and language education in prison.

Respondents also said there was often a lack of cultural understanding of the CJS within Roma communities, with probation requirements often viewed as highly intrusive and as pressure to assimilate into mainstream culture, sometimes leading to a lack of willingness to comply. In particular, organisations felt that the increased periods of supervision introduced to the probation system through the Transforming Rehabilitation programme have been poorly understood by Roma people on licence.

Respondents noted a number of specific issues affecting people from Roma communities' routes into the CJS. A higher proportion of Roma people were likely to be sleeping rough before being arrested, with their offending often directly related to problems associated with homelessness and poverty. Organisations observed that many of their Roma clients were sentenced to short custodial terms rather than community sentences and suggested that this was due to a lack of stable accommodation.

Their status as foreign nationals can prevent them from accessing resettlement services while in prison, leaving them with no resettlement support on release.<sup>17</sup> In addition, the tightening of regulations around immigration and increasing police scrutiny of migrant communities can mean more Roma people are brought back into the CJS for low level offences.

As mentioned above, respondents were clear that effective work with Roma communities needed to be based on a thorough understanding of the history of discrimination, in European countries such as Romania, Hungary and Bulgaria, as well as in the UK. One organisation gave an example of trying to work with a Romanian translator within the CJS who used derogatory language towards Roma people in his translations, emphasising that cultural knowledge is not always enough.

**Recommendation: Prisons should ensure that information about accessing services in prison is available in a range of languages and that appropriate translators are used to explain the prison regime and services available to prisoners with a poor understanding of spoken English.**

**Recommendation: Probation workers should take steps to ensure that Roma clients understand the conditions of their licence and the reasons for their supervision.**

## **7. How effective are mechanisms for engagement and dialogue between national and local policy-makers and members of Gypsy, Roma and Traveller communities?**

At a national level some of the organisations we consulted reported having a positive relationship with NOMS and the Ministry of Justice, but this was in the main of an ad hoc nature, with individual staff members, and falls significantly short of a formal mechanism through which members of GRT communities or community and voluntary sector organisations working with them can engage with and feed into policy.

We consider this to be an oversight, but one which can be easily remedied. Strategic engagement with voluntary sector organisations and GRT people as 'critical friends' is crucial to addressing inequalities for GRT people in the CJS. GRT people and the voluntary organisations working with them can provide important expertise to support NOMS and the MoJ in improving outcomes for GRT people.

Recommendation: NOMS should establish a formal mechanism through which to engage and consult with GRT communities and the voluntary sector working with them. A tangible first step towards this would be for NOMS to consult with GRT communities and voluntary organisations in the development of the 2017 Equality Strategy.

Voluntary organisations reported mixed experiences of engagement with prisons and probation providers. They were keen to stress the role of the voluntary sector in supporting GRT people towards desistance, addressing inequalities faced by GRT people in the CJS and improving outcomes throughout the CJS and felt this should be recognised and utilised by criminal justice agencies.

As well as providing services and advocacy to GRT people and communities, respondents were clear that the work of their organisations also benefitted criminal justice agencies in a number of ways, including improving outcomes, taking pressure off statutory staff, providing more flexible and innovative ways of working and providing specialist expertise. They stressed that due to the significant levels of mistrust between GRT communities and the CJS, voluntary organisations are often better placed to work with people from GRT communities because of their independence from 'the system'. As such the sector is able to act as a bridge between communities and statutory agencies.

In order to provide these benefits voluntary organisations need access to prisons and engagement with probation and other relevant statutory services. While respondents had good relationships with some prisons, they found that others were reluctant to engage with the voluntary sector or did not have adequate staffing levels to facilitate voluntary sector access to prisoners. There are some examples of good practice that overcome some of these access difficulties, despite staff shortages, by granting voluntary sector organisations key holder rights or having voluntary sector staff based in the prison. The extensive security vetting process for volunteers wanting to access prisons was also identified as a key barrier for voluntary organisations, who often rely on



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volunteers to deliver much of their work. Clinks has identified a number of barriers and solutions to better volunteering practice in our report *Valuing Volunteers in Prison*.<sup>18</sup>

There has been more progress with direct engagement between members of GRT communities and prisons. The Irish Chaplaincy report a significant growth<sup>19</sup> in the number of Traveller groups which bring GRT prisoners together to socialise, share information and experience, support each other and provide feedback to prison staff and management. Some prisons also have Traveller representatives, a GRT prisoner nominated to liaise between GRT prisoners and prison staff in order to raise awareness of issues for GRT prisoners.<sup>20</sup>

There was concern raised amongst respondents that due to the staff shortages in prisons the existence and associated benefits of these groups for GRT prisoners would be further eroded in the coming months and years. At least one uniformed member of staff is required to attend Traveller group sessions for security reasons, meaning that despite a rise in the number of prisons where traveller groups exist the frequency of groups meeting in some prisons has declined in recent years.

While respondents felt the benefits of Traveller groups were extensive and wide-ranging, it was also acknowledged that they were not fully accessible to those who were not fluent in spoken English, which prevented many Roma people from participating.

**Recommendation: Each prison holding GRT people should run a regular Traveller group. Where possible these should be facilitated by specialist voluntary organisations.**

**Recommendation: Prisons should consider running separate groups for Roma people, facilitated in their preferred language.**

Respondents said that, while partnership work with probation at a local level had always been ad hoc, they had further struggled to communicate with CRCs due to regular changes in staff and difficulty finding the relevant member staff to liaise with. They did not feel that CRCs or the NPS were attempting to engage in effective partnership work with voluntary organisations in order to support GRT clients.

Similarly Clinks has no evidence of initiatives within the probation service to engage directly with people from GRT communities along the lines of the Traveller group or representative models in prison. We would suggest that working in partnership with the voluntary sector to establish similar mechanisms could make a significant improvement to outcomes for people from GRT communities.

Recommendation: NPS and CRCs should consider mechanisms for service user involvement, specifically for people from GRT communities, in order to inform their practice. NOMS could facilitate this by providing lessons of good practice from the prison service that could be replicated by probation.

## **8. In what areas of public life are inequalities against Gypsy, Roma and Traveller communities evident? How do these affect access to services, outcomes and life chances for people in those communities? How well are these reflected in policy priorities?**

It is important to note that contact with the CJS is often the result of poor outcomes in other areas of public life and in turn these poor outcomes can have a negative impact on people from GRT communities' desistance from crime. Organisations Clinks spoke to were keen to highlight these as well as a number of areas of inequality experienced by people from GRT communities once they are involved in the CJS, which the 2012 commitments do not make reference to.

### **Entry into the criminal justice system**

Data indicates that people from GRT communities are subject to a disproportionate use of stop and search powers and Anti-Social Behaviour Orders.<sup>21</sup>

Studies have also shown that Travellers are less likely to receive bail and more likely to receive custodial sentences.<sup>22</sup> Respondents highlighted a number of reasons for this including an institutionalised perception of GRT people as higher risk than non-GRT white people, an assumption that electronic monitoring cannot be implemented outside of settled accommodation and literacy requirements preventing individuals from accessing community sentences involving accredited programmes.

### **Resettlement and desistance**

Respondents felt that little progress had been made in supporting GRT people in resettlement and desistance from crime after release from prison and that the issues identified by Joe Boyce-Cottrell in his 2014 case study of Thames Valley probation service remain today<sup>23</sup> despite the reforms to the probation service.

For those wanting to return to Traveller sites, this was rarely straightforward and respondents said that many probation workers assumed that sites would be unsuitable for licence conditions. The Offender Assessment System (OASys), used to assess risk levels in prison and the community assumes settled lifestyles as the norm meaning risk levels are often increased on the basis of a nomadic lifestyle. These factors often lead to placement in hostels or temporary accommodation, separating GRT people from their families and communities, potentially leaving them more vulnerable to isolation and discrimination. Respondents said that being placed in a hostel was a key cause of GRT people breaking the conditions of their licence.

Respondents emphasised the significance of the lack of trust between many GRT people and staff representing statutory agencies. As a result of experiences such as police harassment, repeated evictions by local authorities, racism and discrimination in the wider community many GRT people are highly suspicious of statutory staff such as probation workers and are unwilling to disclose personal information, often finding probing questions from staff invasive.

Respondents suggested that culturally sensitive, long-term work was needed to build up trusting relationships with GRT clients in order to address their resettlement and desistance needs, many of which were likely to be complex and long-standing. In the current context, probation workers have high caseloads and often do not engage with clients before release beyond an initial meeting or letter. Respondents felt that this level of provision did not allow trusting relationships to be built or give probation workers adequate information and time to address the needs of GRT clients.

### **Health – physical and mental**

People from GRT communities have poorer physical and mental health outcomes than the general population:

- Travellers are nearly three times more likely to suffer from anxiety and twice as likely to experience depression as the general population.<sup>24</sup>
- 27% of Gypsy, Romany and Traveller prisoners reported feeling depressed or suicidal on arrival (compared with 15% of the general prison population). However, they were less likely to report receiving information about what support was available for this (35% compared with 44%).<sup>25</sup>
- Travellers have a lower life expectancy than the general population and conditions such as bronchitis, asthma and angina are much more prevalent.<sup>26</sup>
- 36% of GRT prisoners describe themselves as having a disability compared to 19% of the general prison population.<sup>27</sup>

In prison, a lack of literacy skills can prevent many GRT prisoners from accessing health services as there is a requirement for written requests to see a doctor. Similarly it can result in a lack of understanding of healthcare processes such as medication routines, sometimes with fatal consequences.

**Recommendation: Prisons should recognise the increased physical and mental health needs of GRT prisoners and take steps to ensure they are able to access health services.**

**Recommendation: As recommended by the Prison and Probation Ombudsmen - Prisons should be aware that Travellers are at an increased risk of suicide in the community. When assessing levels of risk, this should be taken into account, along with other factors.**

### **Maintaining family ties**

Family ties are recognised as an important element that can support a person's desistance from crime: in 2014 HM Inspectorate of Prisons has concluded that the family is 'the most important resettlement agency'<sup>28</sup> and the Secretary of State for Justice has recently commissioned the Farmer Review to examine how family ties can reduce reoffending and address intergenerational crime.<sup>29</sup> Family plays an especially important role in the culture of GRT communities and therefore is likely to be particularly significant to people from GRT communities' rehabilitation.

GRT prisoners report more difficulty with contacting family members (30% compared to 23% of the general prison population),<sup>30</sup> particularly due to the higher cost of calling mobile phones or international numbers and being unable to read or write letters. Prisoners with literacy issues can struggle to correctly fill out visiting orders to allow family to visit them, it may be difficult for family members without a fixed address to receive visiting orders, and family members lacking ID can present extra barriers to family contact.<sup>31</sup>

Due to the importance of family within GRT culture these barriers to maintaining family ties can be particularly distressing and isolating for GRT prisoners. A Prison and Probation Ombudsman bulletin examining the deaths of Travellers in prison found that separation from family contributed to mental health issues for GRT prisoners and that prisons did not do enough to support GRT prisoners to maintain their family ties.<sup>32</sup>

There are examples of good practice in this area, though; at HMP Ford GRT prisoners are allowed to transfer additional phone credit to their Personal Identification Number in order

to cover the extra costs of phoning mobiles. This initiative however relies on the ability of prisoners or their families to fund the costs so is not accessible to all GRT prisoners.

## **9. Are there particular challenges faced by groups within GRT communities, for example women and LGBT people?**

### **Women**

Respondents identified some distinct issues facing GRT women, highlighting greater disproportionality in the women's prison estate than the male, with 7% of women in prison identifying as GRT.<sup>33</sup>

Domestic violence was seen as a key concern for GRT women. While reliable statistics are unavailable on this subject, respondents felt that levels of domestic violence were high in GRT communities and that the issue was not usually recognised by these communities. With women entirely financially dependent on either their father or husband in many (though by no means all) gypsy and traveller communities, and with heavy stigma surrounding marriage breakdown, those experiencing domestic violence often have no route out of their situation. Respondents suggested that in a number of cases, domestic violence was at the root of problems leading into the CJS such as mental health and substance misuse issues. However, this was rarely recognised or addressed by criminal justice agencies.

Respondents were also concerned at high rates of Gypsy and Traveller children being taken into care upon imprisonment of their mother, rather than being allowed to live with other family members. This often had a huge emotional impact on the mother in prison, particularly as the child would be raised outside of their culture.

### **Children**

Respondents were particularly concerned about a lack of attention to GRT children within the youth justice system. The most recent estimates of GRT children in youth custody put the numbers in Secure Training Centres at 12%, while those in Youth Offender Institutions were in line with the adult population at 5%.<sup>34</sup> This suggests a higher rate of disproportionality in the youth justice system, which some suggest is the result of a "process of accelerated criminalisation at a young age",<sup>35</sup> due to police targeting of GRT communities, high rates of exclusion from school and a perception of GRT children as high risk at each stage of the CJS. A recent report by the Traveller Movement found that 17% of children in the Keppel Unit, a custodial institution for the most vulnerable boys, were from a GRT background.<sup>36</sup>

In recent months, the Traveller Movement has drawn attention to the lack of ethnic monitoring of GRT groups in the youth justice system and called for this to be introduced as it has been in the adult system in order to understand the extent of the disproportionality and the needs of GRT children in the youth justice system.

The Traveller Movement's research found that:

- Almost one in three GRT children (29%) in Secure Training Centres reported experiencing physical abuse from staff (three times greater than other children).
- That GRT children in Secure Training Centres were significantly more likely than other children to be afraid to make a complaint due to fears about what would happen to them.
- That a quarter of GRT boys in Secure Training Centres said they had emotional/mental health problems, while less than half reported receiving help for these issues.<sup>37</sup>



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These inequalities, as well as others detailed by the Traveller Movement and HM Inspectorate of prisons, suggest that urgent attention is needed to assess the attitudes and behaviour of staff in youth custodial institutions towards GRT children and to address a lack of access to vital services for these children.

Respondents felt that voluntary organisations needed more access to youth custodial institutions to provide tailored, culturally appropriate support to GRT children and to address their resettlement needs.

**Recommendation: The Youth Justice Board should introduce monitoring of GRT ethnicities across the youth justice system.**

**Recommendation: The complaints procedure in youth custodial institutions should be urgently reviewed to ensure that GRT children are able to report incidents of abuse and bullying.**

**Recommendation: Youth Justice Board and youth custodial institutions should strengthen their links with voluntary sector organisations working with GRT communities.**

### End notes

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**Clinks supports, represents and campaigns for the voluntary sector working with offenders. Clinks aims to ensure the sector and all those with whom they work, are informed and engaged in order to transform the lives of offenders.**

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Tavis House  
1-6 Tavistock Square  
London WC1H 9NA

020 7383 0966

[info@clinks.org](mailto:info@clinks.org)

[@CLinks\\_Tweets](https://twitter.com/CLinks_Tweets)

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