

Working with Gypsy and Traveller Offenders: A Thames Valley Probation Case Study

Joe Cottrell-Boyce
Traveller Equality Project



This report was written by Joe Cottrell-Boyce, with input from staff and management of Thames Valley Probation.

The research was funded by Thames Valley Probation.

For more information contact:

Thames Valley Community Rehabilitation,
Macmillan House,
Oxford,
OX1 1BN

ICB Traveller Equality Project,
50-52 Camden Square,
London,
NW1 9XB
travellers@irishchaplaincy.org.uk

The work of the Traveller Equality Project is supported by:



An Roinn Gnóthaí Eachtracha agus Trádála
Department of Foreign Affairs and Trade



Acknowledgements

This research would not have been possible without the input and cooperation of probation officers and management in Thames Valley. In particular I would like to thank Stephen Czajewski, Liz Meech, Fiona Tarrant, Julie Grimes, Lauren Burden, Lynn Bennett, Shuna McIntyre, Mark Searle and Michael Toner for their unswerving support. I would also like to thank the Traveller offenders who volunteered their time to be interviewed and share their experiences.

I would like to thank the manager of the ICB Traveller Equality Project, Conn Mac Gabhann, for his expert advice and contributions.

| | |
|--|-----------|
| 1. EXECUTIVE SUMMARY | 1 |
| 2. INTRODUCTION | 5 |
| 3. A REVIEW OF THE LITERATURE | 6 |
| 4. DATA ON GYPSY AND TRAVELLER OFFENDERS IN THE THAMES VALLEY | 8 |
| 5. PROBATION OFFICERS' EXPERIENCES OF GYPSY AND TRAVELLER OFFENDERS | 11 |
| 6. THE VIEWS OF GYPSY AND TRAVELLER OFFENDERS IN THAMES VALLEY | 15 |
| 7. MEETING THE NEEDS OF TRAVELLER OFFENDERS | 19 |
| 8. TACKLING THE SOCIAL EXCLUSION OF GYPSIES AND TRAVELLERS | 25 |
| 9. CONCLUSION AND KEY RECOMMENDATIONS | 27 |

1. Executive Summary

Gypsy and Traveller communities have a marginalised status in the UK, facing specific problems such as low levels of literacy, poor health outcomes and high levels of homelessness.

There has been very little research into Traveller offenders' experiences of probation, or, for that matter, of their experiences in the criminal justice system generally. Lack of monitoring, coupled with the fact that many Travellers are wary of disclosing their identity due to past experiences of discrimination has meant that Travellers have often constituted a 'Forgotten Minority'.

It is within this context that Thames Valley Probation commissioned a research study to gain a better insight into the experiences of its Gypsy and Traveller service user. It is hoped that the findings and recommendations drawn from this research will be of benefit to practitioners in the Probation Service and its partner agencies.

Gypsies and Travellers are not a homogenous group. The ethnic category 'W3 - Gypsy or Irish Traveller' is a catch-all term, which includes several distinct communities of nomadic heritage present in the UK. It should therefore be noted at the outset that there can be no 'rules' for probation officers¹ working with Traveller offenders.

That said, shared cultural traits, and perhaps more significantly shared experience in terms of exclusion from settled society, do increase the likelihood of Traveller offenders presenting similar needs in some

key areas. These need-areas should be borne in mind by practitioners working with offenders from Gypsy and Traveller communities.

Key Findings

- Traveller offenders in the Thames Valley were less likely than other offenders to have been convicted of burglary or drug offences. They were more likely to have been convicted of fraud and forgery offences and motoring offences than other offenders.
- 59% of Traveller offenders with OASys assessments in the Thames Valley had problems with numeracy compared to 9% of other offenders according to OASys data. 65% had problems with reading and writing compared to 14% of other offenders. While 57% of all other offenders had some form of educational or professional qualification, only 12% of Traveller offenders possessed any qualifications.
- Low literacy was said by officers to 'narrow your options of what you can do with offenders', most significantly excluding offenders from accredited programmes which had a written element to them. Overall it was felt that probation interventions were less likely to be successful with people with low literacy.
- Alcohol presented as a criminogenic need for a higher than average number of Traveller offenders; particularly in terms of binge drinking and violent behaviour related to alcohol.

¹ The term probation officer, used throughout this document, is a generic term that describes all probation offender managers.

- Release to a Traveller site did not appear to be as straightforward for Traveller offenders as release to bricks and mortar accommodation. Probation officers interviewed had encountered automatic assumptions amongst colleagues and partner agencies that Traveller sites were unsuitable for release on HDC or licence.
- Some Traveller offenders struggled with the invasive nature of probation interviews, given the importance of privacy to many Travellers:

‘The biggest mistake probation makes is with invasiveness. It’s a very private culture... It’s completely alien to Travellers to ask them personal questions on the first meeting. You need to build up trust first.’ (Mark)

- A number of Traveller offenders were reluctant to declare their ethnicity for monitoring purposes, unless specifically prompted and reassured by their probation officer, due to suspicions that the information might be misused or lead to stigmatisation.
- Some probation officers reported feeling threatened when conducting unannounced home visits to certain sites and felt it was sometimes hard to find a ‘way in’ to Traveller sites. It was felt that poor information sharing at a local authority level contributed to these difficulties.
- While violent offences were not felt to be any more common amongst Travellers than other offenders, probation officers said that some Traveller offenders’ attitudes towards violence had proved problematic in the past. This prevented them progressing with accredited Offending Behaviour Programmes such as Aggression Replacement Training², as they did not agree with the basic premise that violence was an illegitimate means to resolve a disagreement.

‘Fighting is part of our culture at the end of the day. We have to fight whether we like to or not. It’s as simple as that. Otherwise your whole family is branded as cowards... If police do get involved we just accept the consequences.’ (Frank)

- Several probation officers felt that there was family pressure on Traveller offenders they had worked with to retaliate to threats and insults from other Travellers, leading to sometimes violent feuds. Feuding was felt to place huge stress on offenders serving orders and increase the risk of reoffending.
- Domestic violence was raised as a key concern when working with Traveller offenders. Several probation officers said they had dealt with Traveller women who were being victimised by their partners, but were unwilling to report it due to a perception that domestic violence was just “part of our way of life”.
- Several probation officers commented on the limits of the OASys risk assessment system in regard to Traveller offenders. OASys risk assessment questions on accommodation for example, are heavily biased towards settled modes of living as being the ‘norm’.
- While several probation officers reported ‘anti-education’ sentiments amongst their Traveller service users, this was not evident amongst the Travellers who participated in the study. That said, engaging with education may be daunting for Traveller offenders with no previous experience of formal schooling.

‘The Traveller education man was the only person who came on the site from the council... that education man was good.’ (John)

- While most Travellers who participated in the study held very negative opinions of both the police and courts, they had generally positive perceptions of both prison service staff and the Probation Service.

² Aggression Replacement Training has recently been replaced by the specified activity requirement MARA – Managing Alcohol Related Aggression.

‘Jesus Christ! I remember when I was seven years old getting pulled over when we’d been travelling for 24 hours, looking for a place to stop. We were pulled over and I had to stand there and watch my dad getting a good hiding... It’s all about trust. And there is none now. I’ve got no respect for the police because the police have no respect for us. We’ve been victimised from day one.’ (Mark)

Key recommendations for working with Gypsy and Traveller Offenders

For Probation Officers:

- Officers should bear in mind that Travellers in the UK belong to several distinct communities. Though many Traveller offenders present similar needs, it would be wrong to assume all will; Traveller offenders should be treated as individuals first and foremost.
- Officers should utilise pro-active monitoring techniques to identify ‘W3 Gypsy or Irish Traveller’ offenders; prompting service users with the question ‘do you consider yourself to be a member of the Travelling community?’, and explaining the importance of accurate monitoring for better service provision.
- Bearing in mind the suspicion of authority borne out of historical and ongoing discrimination, as well as the importance of privacy to many Travellers, officers should take extra time to reassure Traveller offenders at the beginning of the supervision process, explaining why personal information is needed and how it will be used.
- Officers should exercise caution when preparing pre-sentence reports, ensuring reports do not contain irrelevant information which could reveal Traveller offenders’ cultural identity and leave them open to prejudice in court proceedings.
- Officers should exercise discretion when completing OASys assessments, to ensure that scoring of Traveller offenders is not affected by cultural bias. In relation to ‘appropriateness of living arrangements’ for example, scores should be based on specific concerns and information and not assumptions relating to Traveller sites.
- Bearing in mind the importance of family support networks to Travellers, and the cultural significance of living on sites as opposed to bricks and mortar accommodation, officers should support applications for HDC or release on licence to sites, where no specific concerns exist to prevent this. Officers should be aware of the prevalent perception that Traveller sites are automatically unsuitable accommodation, and be prepared to advocate for Traveller service users while formulating release plans with other agencies.
- Bearing in mind the low levels of literacy and educational attainment in the Travelling community, and the poor experiences many have had in formal education, officers should make extra efforts to engage Travellers with educational support. Where possible, officers could try to ‘sell’ educational opportunities in ways which appeal to Traveller offenders; for example connecting literacy to obtaining a CSCS Card (Construction Skills Certification Scheme Card. This is needed for employment in the construction industry).
- Where Traveller offenders are reluctant to acknowledge having support needs around education, officers should take time to explore the reasons behind this reluctance. Officers should recognise that Traveller offenders may be daunted by education rather than inherently ‘anti-education’.
- Officers should be aware of cultural perceptions of domestic violence within Traveller communities, and the various

reasons women may be reluctant to seek help. Officers should proceed with cultural sensitivity when working with Traveller domestic violence victims, assuaging fears in relation to confidentiality and signposting to relevant services.

- Officers should familiarise themselves with statutory and voluntary services engaging with Travellers locally in order to develop useful contacts. Wherever possible, officers should seek advice from partner agencies about the situation on specific sites before visits, so that potential difficulties can be planned for in advance.

For the Probation Service

- The Probation Service should seek out ways of increasing literacy support for Traveller offenders, to enable those with low literacy to participate in offending behaviour courses or specified activities. Better use could be made of volunteers - particularly those with teaching backgrounds - to provide embedded literacy support for offenders participating in programmes³.
- The Probation Service should consider utilising ethnic monitoring data to make a funding case to increase the capacity of existing services such as 'Bridge to Employment' (B2E) advisors, to enable these services to meet the high support needs of Traveller offenders.
- The Probation Service should capitalise on their contact with members of the Travelling community, sharing expertise with partner agencies at an organisational level. Where particular needs are repeatedly observed amongst Traveller offenders, services should consider petitioning relevant agencies to improve their engagement with Traveller communities.

- The Probation Service should include information on Gypsy and Traveller culture and history in equality and diversity training. Where possible, this training should engage local Travellers, so that practitioners gain insight into the situation of the community locally.

For the National Offender Management Service (NOMS):

- NOMS should investigate the possibility of developing offending behaviour programmes/ Specified Activities more tailored towards offenders who have participated in instrumental violence.
- NOMS should adapt OASys guidance documents, to ensure that cultural bias does not impact upon the assessment of Traveller offenders. In terms of accommodation for example, it should be pointed out to assessors that site accommodation should not automatically be considered less 'suitable' or 'appropriate' than bricks and mortar accommodation.

For HM Inspectorate of Probation

- Following the example of the HM Inspectorate of Prisons, the Probation Inspectorate should consider the needs and treatment of Gypsy and Traveller offenders in the course of its inspections.
- HM Inspectorate of Probation should include Gypsy and Traveller offenders in future equality action plans.

³ In the Thames Valley, volunteers are provided by SOVA:
<http://www.sova.org.uk/>

2. Introduction

Gypsy and Traveller communities have a marginalised status in the UK, facing specific problems such as low levels of literacy, poor health outcomes and high levels of homelessness. As with other marginalised communities, Travellers also are overrepresented within the justice system; HM Inspectorate reports reveal that Gypsies and Travellers make up 5% of prisoners in male Category B Prisons and 7% of prisoners in local female prisons (HMIP 2011: 111, HMIP 2010: 117).

There has been very little research into Traveller offenders' experiences of probation, or, for that matter, of their experiences in the criminal justice system generally. Lack of monitoring, coupled with the fact that many Travellers are wary of disclosing their ethnic identity due to past experiences of discrimination (Williams 1994: 18), has meant that Travellers have often constituted a 'Forgotten Minority' (Williams 1994; Morran 2001).

In light of this, Thames Valley Probation commissioned the 'Working with Gypsies and Travellers' study in 2012, to explore the needs of Gypsy and Traveller offenders subject to probation supervision. Integrated Case Management System (ICMS⁴) and OASys data was collected for all offenders recorded as 'W3 – Gypsy or Irish Traveller' and compared to data for all other offenders. This data analysis aimed to highlight specific areas where the needs of Gypsy and Traveller offenders differed from other offenders. Coinciding with the data analysis, focus groups and interviews were conducted with probation officers and Gypsy and Traveller

offenders in the Oxfordshire probation division, in order to gain a deeper insight into the experiences of Traveller offenders.

'Working with Gypsies and Travellers' highlights some key need areas for Gypsy and Traveller service users in contact with the Probation Service. The suggestions and insights of officers and of Travellers themselves provide the basis for constructive recommendations for best practice; for practitioners, for the Probation Service as a whole and for partner agencies.

⁴ ICMS was replaced by the nDelius system in 2013.

3. The Probation Service and Gypsy and Traveller Communities: A Review of the Literature

Williams' 1994 study of Kent Probation Area was the first to attempt to obtain empirical evidence, 'to support the hypothesis that Gypsies and Travellers receive differential treatment in the criminal justice process' (Williams 1994: 17). Williams compared pre-sentence recommendations for Travellers to other offenders, and concluded that probation officers were 'less likely to consider alternative community sentences for Travellers... other than community service' due to assumptions that Travellers' 'lifestyle' would make them unsuitable for probation orders (Williams 1994: 18). Proposals for community service orders for less serious crimes then increased 'the likelihood of custodial sentence for a subsequent offence' (Williams 1994: 18).

The Kent study also involved a retrospective analysis of court judgments from Maidstone Magistrates' Court, comparing outcomes for Travellers to other offenders (Williams 1994: 17). It found that Travellers were disproportionately represented in court proceedings, and were 'more vulnerable to prosecution for minor offences, without first receiving a caution' (Williams 1994: 25). 'Intensive and provocative' policing was reported by nearly all Traveller participants in the study as a factor behind them coming into contact with the justice system (Williams 1994: 19).

Morran's 2001 study of probation officers' perceptions of Scottish Travellers shares some of Williams' conclusions, but paints a more nuanced picture of the relationship between the Probation

Service and Travellers. Morran found that one third of staff referred to Travellers' ethnicity in court reports, where this had no bearing on the case, and that officers were reluctant to make home visits to Traveller sites (Morran 2001: 30). However most of the officers who participated in the study recognised Travellers as a vulnerable group, reflected on how organisational practice might affect Traveller offenders and felt more diversity training on Traveller culture was needed (Morran 2001: 31). In the view of the professionals who participated in the study, in so far as Travellers differed from other offenders this difference was in 'degree rather than kind' (Morran 2001: 31). That is, they faced the same types of problems as other offenders but- due to the multitude of disadvantages the Traveller community faced- more of them. Thus the workers felt Travellers could be supported in the same way as other offenders but that it was vital that staff understood something of Traveller culture and the pressures the community faced (Morran 2001: 33).

Power's 2003 study of Irish Travellers in the criminal justice system also found that probation officers frequently wrote reports in such a way as made Gypsy and Traveller offenders' ethnicity obvious, with the implication being that this made them inherently 'dodgy' (Power 2003: 260). Power's study highlights the danger of ethnicity being referred to in reports in a context where the ethnic group in question is not simultaneously being monitored for equality purposes. Discrimination and differential treatment resulting from inappropriate cultural assumptions and stereotyping in such reports will be invisible and impossible to challenge. Some of the probation officers interviewed by Power felt that the introduction of the 'Offender Assessment System'

(OASys) risk assessment system was a positive step in this regard, as its standardised questions reduced opportunities for subjective observations (Power 2003: 263).

Moving away from probation specific studies to the wider justice system, the 2008 NOMS race review 'Implementing Race Equality in Prisons' raised several concerns relating to the experiences of Gypsies and Travellers in prison, including:

'Difficulties accessing services, including offender behaviour programmes, as the literacy level required was too high, derogatory and racist name calling primarily by prisoners, and by some staff... lack of confidence in the complaints system and the lack of cultural awareness and understanding of staff' (NOMS 2008: 59).

The review stressed the need for effective monitoring of the Gypsy and Traveller prison population and the need to disseminate good practice in relation to Gypsy and Traveller prisoners throughout the prison service (NOMS 2008: 132). It is significant that the recognition of the needs of Gypsies and Travellers in the prison review has never been reflected in a report specific to the Probation Service: Neither the 2000 HM Inspectorate of Probation (HMIP) report 'Towards Race Equality' (HMIP 2000), the 2004 progress review of this report or the 2011 HMIP equality action plan (HMIP 2011) make any mention of Gypsy or Traveller offenders.

A 2009 NOMS good practice guide for working with Gypsy, Traveller and Romany Prisoners noted that lacking fixed accommodation was a factor in OASys risk assessment and that there was a possibility that 'the inflexibility of OASys is adversely affecting a GTR prisoner application for ROTLs and Home Leave' (NOMS 2009: 19). The guide also noted the 'apparent reluctance of agencies... to monitor tags [HDC] within the GTR communities' and suggests that 'GTR Champions' should be appointed to ensure equal access for GTR offenders (NOMS 2009: 20).

NOMS assertions were supported by a study of Irish Travellers in prison conducted by the Irish Chaplaincy in Britain (ICB) in 2011. The ICB encountered an automatic assumption amongst prison resettlement

staff that Traveller sites were unsuitable accommodation for release on licence (MacGabhann 2011: 60). The study found anecdotal evidence that Traveller prisoners were less likely to be granted release on Home Detention Curfew (HDC) and reported that Travellers were particularly averse to hostel (Approved Premises) accommodation being imposed as a licence condition as 'the family network is a source of social and economic support for Irish Travellers generally and often the only support a Traveller trusts' (MacGabhann 2011: 66).

A 2010 Clinks and Prison Reform Trust report on minority ethnic offenders' experiences of resettlement services concluded that while 'most resettlement needs of BAME offenders do not fundamentally differ from the needs of other offenders... specialist services may be needed to address the problems of groups of offenders with specific needs [such as] offenders from Traveller/Roma/Gypsy backgrounds' (Clinks and Prison Reform Trust 2010: 3). The report argued that 'differing cultural perspectives on offending, mental illness, and problems associated with substance misuse' could prevent Gypsies and Travellers from accessing the services they needed, and pointed to the multiple disadvantages Gypsy and Traveller communities face as grounds for additional support (Clinks and Prison Reform Trust 2010: 37).

Recently, the coalition government has drawn attention to the particular needs of the Traveller community in a ministerial working group progress report, 'Tackling Inequalities Experienced by Gypsies and Travellers' (CLG 2012). The report reiterates the importance of diversity training for probation staff and effective monitoring of Gypsy and Traveller offenders in order 'to ensure access to activities is appropriate and meets the needs of Gypsies and Travellers through their rehabilitation' (CLG 2012: 26).

4. Available Data on Gypsy and Traveller Offenders in the Thames Valley

The first stage of the research was to collect data on offence type from the ICMS system, comparing offenders recorded as ‘W3 Gypsy or Irish Traveller’ to all other offenders.

At the outset of the study there were only three self-declared Travellers in Thames Valley, and for this reason it was decided that an audit of the current caseload would be necessary. Letters were sent to all probation officers, reminding them that an ethnic code had been introduced for Gypsies and Travellers in 2011 and inviting them to review the ethnic monitoring form with service users; pro-actively asking them whether they came from a Gypsy or Traveller background. At the end of this process, 37 Gypsy and Traveller offenders had been identified in the probation trust.

Given the small sample sizes being dealt with in this study, caution should be exercised before drawing any conclusions from the data below. The figures did however offer an indication of key areas of need, warranting further investigation via focus groups and interviews with probation staff and Traveller offenders.

The most common offence category for the 37 offenders identified as ‘W3’ on the ICMS system was violence against the person; accounting for 30% of offences. This was comparable with all other offenders where violence against the person accounted for 27% of offences. The most notable variations between Traveller and other offenders could be seen in fraud and forgery offences – accounting for 14% of offences among Travellers and only 7% of offenses among other offenders –

motoring offences – accounting for 5% of offences among Travellers and only 1% of offences among other offenders - and drug offences- accounting for 8% of offences among all other offenders but no offences among Traveller offenders.

| Offence | W3 | All Others |
|-----------------------------|-----------|-------------|
| Burglary | 3% | 8% |
| Criminal Damage | 3% | 3% |
| Drug Offences | 0% | 8% |
| Fraud and forgery | 14% | 7% |
| Indictable motoring | 5% | 1% |
| Other indictable | 14% | 6% |
| Other summary offences | 3% | 5% |
| Robbery | 3% | 3% |
| Sexual Offences | 0% | 3% |
| Summary motoring | 8% | 10% |
| Theft and handling | 19% | 19% |
| Violence Against The Person | 30% | 27% |
| Total offenders | 37 | 5994 |

Another variation in offences committed by Travellers compared to all other offenders was in cases categorized as 'other indictable (excluding motoring)'. Such offending accounted for 14% of offences amongst Traveller service users, but only 6% of offences amongst all other offenders. Of the five Traveller offenders categorised as 'other indictable', two had been convicted for non-compliance with an enforcement notice under the Town and Country Planning Act; legislation which has heavily impacted on Gypsies and Travellers living on unauthorised encampments.

Of 20 Traveller offenders whose community order or licence had been terminated in the past 12 months, 25% had breached; the same proportion as for all other offenders. 70% of Traveller offenders had successfully completed their licence or order; slightly lower than all other offenders for whom the figure was 74%.

Of the 37 identified Travellers supervised by Thames Valley Probation, 17 had completed OASys assessments and their criminogenic needs could therefore be compared with all other offenders. The table below presents the percentage of Traveller offenders assessed to have a need in OASys sections 3 to 12, compared to all other offenders:

| Criminogenic Needs | W3 | All Others |
|--------------------|-----|------------|
| Accommodation | 18% | 24% |
| ETE | 18% | 26% |
| Finances | 41% | 44% |
| Relationships | 41% | 54% |
| Lifestyle | 71% | 65% |
| Drugs | 12% | 38% |
| Alcohol | 59% | 46% |
| Emotional | 35% | 35% |
| Thinking | 88% | 93% |
| Attitudes | 65% | 54% |

In terms of accommodation, education training and employment, finances, relationships, drugs and thinking a smaller proportion of Traveller offenders

presented criminogenic needs compared to other offenders. In the case of drugs a significant difference existed between Traveller and other offenders, with only 12% of Travellers having needs relating to drugs compared to 38% of other offenders. In terms of lifestyle, alcohol and attitude, a higher proportion of Traveller offenders presented criminogenic needs compared to other offenders.

These headline figures mask starker variations between Traveller and other offenders in a number of OASys subcategories. Under education, training and employment (ETE) for example, only 18% of Traveller offenders presented a need, compared to 26% of other offenders. Yet 59% of Traveller offenders had problems with numeracy compared to 9% of other offenders, 65% had problems with reading compared to 14% of other offenders and 65% had problems with writing compared to 16% of other offenders. While 57% of all other offenders had some form of educational or professional qualification, only 12% of Traveller offenders possessed any qualifications. 47% of Travellers scored a need in relation to past school attendance, compared to 37% of all other offenders.

When the large disparities between individual ETE need area scores and the overall ETE need scores for Traveller offenders was questioned, it was explained that offender managers had identified needs in terms of reading, writing, numeracy etc. but that if offenders did not acknowledge these as needs to be addressed this would lead to a lower overall score. It therefore seemed that Gypsy and Traveller offenders had higher ETE needs than other offenders but were far less likely to acknowledge these needs or seek support.

A lower proportion of Travellers presented a criminogenic need in terms of suitability of accommodation and permanence of accommodation than was the case for other offenders. However 36% of Traveller offenders presented a need in terms of the suitability of location of accommodation compared to 28% of other offenders.

Alcohol presented as a criminogenic need to Traveller offenders particularly in terms of binge drinking and violent behaviour related to alcohol. 53% of Travellers

Traveller Equality Project

presented a need in relation to binge drinking compared to 36% of other offenders, and 47% of Traveller offenders presented a need in terms of violence related to alcohol, compared to 36% of other offenders.

OASys data also showed that 29% of Traveller offenders were lower risk, tier one offenders, compared to only 8% of all other offenders. Correspondingly only 35% of Travellers were tier 3 offenders, compared to 57% of all other offenders.

| Tier Level | W3 | All Others |
|-------------------|-----------|-------------------|
| 1 | 29% | 8% |
| 2 | 24% | 24% |
| 3 | 35% | 57% |
| 4 | 12% | 11% |

5. Probation Officers' Experiences of Gypsy and Traveller Offenders

A group of five probation officers from the Thames Valley Probation took part in an informal discussion, relating their experiences of working with Traveller offenders. From the outset, the probation officers who participated agreed that Travellers' attitudes towards probation supervision were no better or worse than other offenders. They had had good working relationships with some Traveller service users and difficult relationships with others; it was 'down to the individual'. That said, the officers did feel there were some common areas of need for many Traveller offenders.

Poor literacy was cited as the most frequently encountered difficulty when working with Gypsy and Traveller offenders. The feeling in the group was that the 'majority' of Travellers they had worked with had literacy needs. Low literacy was said to 'narrow your options of what you can do with offenders', most significantly excluding offenders from accredited programmes which have a written element to them.

Travellers with low literacy were unable to complete accredited courses such as the Community Domestic Violence Programme (CDVP) and Thames Valley Sex Offender Group Programme (TVSOGP); programmes that have high success rates. Although probation officers did suggest that material could be adapted for offenders with low literacy, this was said to be 'no substitute' for a structured course, particularly because participants missed out on the group dynamic offered by such programmes and similar specified activities. Not being able to complete worksheets also meant that there was less recorded evidence, making harder to demonstrate the impact of an intervention.

For sex offenders in particular, one probation officer suggested that not having the required literacy to participate in the accredited course (TVSOGP) would leave an offender 'stuffed' and that 'you would probably have to look at custody' in pre-sentence recommendations.

Overall it was felt that probation interventions were likely to be less successful with people with low literacy with one officer stating simply; 'the more literacy problems you have, the less we can do with you.'

Up to 20% of community payback hours can be used for engaging in literacy work and several officers said that this had proved useful when working with Traveller offenders. However, all agreed that the Probation Service lacked the resources to adequately engage with offenders literacy needs, with the main support available being a 'Bridge to Employment' advisor, whose availability was limited. This in turn meant that progress was too slow for offenders to be able to 'catch up' over the course of an order and be able to participate in an offending behaviour programme or a specified activity.

Some officers felt that 'anti-education' attitudes had presented an obstacle to Traveller offenders they had worked with engaging with their literacy needs. Some Traveller offenders were said to take pride in their skills in traditional manual employment areas, feeling that they didn't need 'classroom learning' and could 'get by with their hands'. In the modern, bureaucratic world however, basic literacy has become essential even in manual trades, in order to comply with health and safety regulation for example or to fill out invoices. One probation officer said a Traveller

offender had faced stigma from his community for wanting to get an education.

Probation officers found it was often necessary to 'sell' literacy support as part of a package, for example tying it in to obtaining a CSCS Card; something that many Traveller offenders would consider useful. It was pointed out that in promoting literacy, probation officers had to be attentive to the individual; one Traveller offender had wanted to learn to read so that he could read his child a bedtime story, while another was more concerned with being able to write invoices for his construction business.

Another concern that emerged from the focus group was the difficulty of conducting unannounced home visits to Traveller sites. One probation officer had recently encountered aggression and hostility from other residents on a site and had been forced to 'leg it' before being able to meet her service user. The probation officer described it as a 'horrific experience'.

Enquiries with the police and local authority as to the best way to approach the site had not produced any useful feedback. In particular, the Gypsy, Roma, Traveller liaison officer with the local authority had been unwilling to assist probation officers visiting the site, as it might 'ruin their rapport with the community'. In the subsequent discussion, officers felt that although they had good relations with Travellers on some sites it was difficult to find a 'way in' to other sites and would appreciate more guidance on the best way to 'approach' Traveller communities. There was also a consensus that more work was needed to 'link up' better with local authorities to find out who was responsible for individual sites and who to contact.

Although officers had encountered difficulties visiting specific sites, they were also aware of prejudice relating to Traveller sites generally, both within the Probation Service and partner agencies. This prejudice resulted in blanket assumptions by some staff that sites were unsafe to visit and unsuitable addresses for release on licence or HDC.

In relation to HDC, police frequently recommended against release to a site on the basis of thin evidence,

with the subtext being that Traveller sites generally were 'full of criminals'. One probation officer stated that she had just managed to get a Traveller service user released to a local authority site on HDC, but that it been a 'huge ordeal' to convince other agencies that the site was a suitable address for release.

While some specific Traveller sites were unsuitable for release in certain cases, due to the presence of known criminal associates for example, in other cases there was no reasonable basis for refusing release to a site. Several probation officers recounted occasions where they had disputed the assumptions of colleagues in relation to Traveller sites.

Particular difficulties were noted when working with female Traveller offenders. Female offenders were often extremely wary of disclosing information to their probation officer for fear that what they said would be relayed to their husband or other relations. Female service users were often accompanied to appointments by their husband or partner who would wait outside for them, adding to their anxiety during meetings. Generally speaking, the probation officers in the meeting felt that it was far harder to build up trust with female Traveller offenders than male.

One reason for re-offending amongst Travellers suggested by the group was a perceived unwillingness to seek help or assistance beyond their 'kith and kin'. Travellers they had worked with were said to be unwilling to go to the police in cases of receiving threats and intimidation for example, instead insisting they 'deal with' problems within their family.

It was also felt that there was family pressure on individuals to retaliate to threats and insults, leading to a vicious circle of violent feuds. In such circumstances it was difficult to safeguard people from their own families. Feuding was felt to place huge stress on offenders serving orders and increased the risk of re-offending.

In a less dramatic sense, unwillingness to seek outside support from the local authority or agencies such as the Citizens Advice Bureau in the event of a financial or housing crisis also created triggers for recidivism. Several probation officers recalled service users

expressing the view that they had to 'live off their wits' and engage in petty criminality and fraud to get by.

It was felt by several probation officers that Travellers they had worked with had internalised prevalent anti-Traveller prejudice and 'stereotyped themselves'. One offender, for example, had commented 'I live on a Traveller site; I mix with criminals everyday'. One probation officer found this attitude particularly difficult, commenting:

'How to you challenge that perception that, 'that's all I'm good for?''

In the weeks preceding the research, probation officers had been asked to go over an ethnic monitoring form with their offenders, in order to gain an accurate picture of the number of service users who categorised themselves as 'W3 Gypsy or Irish Traveller'. The responses to this audit were enlightening; one service user openly identified as a Traveller but told his probation officer he was unwilling to be formally recorded as W3, saying:

'I'm not doing that for people to class me as a Pikey'

Other Traveller offenders were happy to be recorded as W3 and were pleased that they were being recognised. Significantly, several probation officers reported that their non-Traveller service users had taken offence to even being asked if they were from a Traveller background; testament to the level of hostility towards Traveller communities in society at large. The group noted the inherent limits to ethnic monitoring, with one probation officer pointing out that offenders were being forced to choose whether they saw themselves as 'White British' or 'Gypsy or Irish Traveller', when in fact these categories are not mutually exclusive.

Several probation officers commented on the limits of the OASys risk assessment system in regard to Traveller offenders. One probation officer commented that as OASys was based on research which focused on white majority, 18-25 year old males, it was less accurate at predicting the behaviour of women and ethnic minority offenders.

In particular, questions on OASys relating to accommodation and employment assumed the cultural norms of the settled community, and could unfairly classify Travellers as higher risk. The probation officer did qualify this by saying they should be able to use their discretion and judgement when completing OASys to counteract this effect.

Several of the probation officers stated that they had consciously removed the fact that an offender was a Traveller from pre-sentence reports, being mindful of prejudice towards Travellers in society at large and fearing that this could influence court proceedings. Probation officers noted that they were trained in non-discriminatory practice and utilised gatekeeping, ensuring each other's reports only contained material that was fair and relevant. Probation officers also pointed out that information recorded on OASys reports, which might be useful and relevant to them, should not necessarily be transferred to pre-sentence reports if it had no bearing on the case and could be misused.

At the same time, the probation officers pointed out that it was hard for Travellers to disguise their ethnic identity in court proceedings. Traveller families were often known to local magistrates, and defendants often arrived in court with large family entourages. This meant that the possibility of anti-Traveller prejudice in sentencing remained, even if no explicit reference to a defendant's ethnicity was made in court proceedings.

In terms of the types of offences that brought Travellers before the courts, it was agreed that Fraud and Forgery were the most common (an assertion supported by ICMS data). Literacy was again mentioned as a contributing factor to such offences, as a lack of proper business contracts or documentation meant that Travellers often operated in a legal grey area. One probation officer stated that an offender she had worked with, who had been found guilty of overcharging elderly people for work undertaken, would not accept that this was in any way criminal as he believed that 'if someone agrees to a price, then it's a fair price'. Other probation officers had encountered similar sentiments among Travellers, who saw haggling and verbal contracts as

normal business practice, and did not agree that such practices could constitute intimidation of vulnerable people.

While violent offences were not felt to be any more common amongst Travellers than other offenders, some probation officers said that Traveller service users' attitudes towards violence had proved problematic in the past. For some Travellers, organised and community regulated fights were seen as a legitimate way to resolve disputes and an integral part of Traveller culture. This prevented them progressing with accredited Offending Behaviour Programmes such as Aggression Replacement Training, as they did not agree with the basic premise that violence was an illegitimate means to resolve a disagreement. One probation officer felt that it would be useful to have Offending Behaviour Programmes which addressed instrumental violence, to address the pre-meditated violence that some Traveller offenders engaged in.

Domestic violence was raised as a key concern when working with Traveller offenders. Several probation officers said they had dealt with Traveller women who were being victimised by their partners, but were unwilling to report it due to a cultural acceptance of domestic violence. Women might claim to have 'deserved' the violence inflicted, or state that it was part of 'our way of life'. Probation officers had also experienced Traveller women retracting statements in court due to family pressure in domestic violence cases. As a consequence, very few Travellers were actually subject to probation supervision for domestic violence offences.

In relation to these issues, one probation officer commented that it was important to explore cultural attitudes to understand the causes of certain offences. At the same time, she stressed that:

'We need to be aware of diversity issues, but should never use culture as an excuse.'

Again, it was felt that structured Offending Behaviour Programmes were the best way of addressing deeply held cultural beliefs, but low-literacy amongst Travellers often proved to be a bar to engagement. In terms of provision to help probation engage better

with Traveller offenders, the probation officers felt that having contact details for other professionals working with the Travelling community – staff from local authorities or third sector organisations for example – would be useful. Given that the Probation Service as a law enforcement agency is often viewed with suspicion by Travellers, developing links with professionals who have more established relationships with the community could help facilitate better communication.

The group also felt more information about Gypsy and Traveller history and traditions would be useful. Some officers were unclear over the differences between ethnic labels, (Gypsy, Roma, Romany, English Traveller, Irish Traveller). Another officer recounted an occasion where they had inadvertently caused offence by referring to a Traveller offender's dwelling as a caravan as opposed to a trailer. Generally the probation officers felt they would like to learn more about Traveller culture and history, to help them bridge the cultural gap between Travelling and settled communities.

6. The views of Gypsy and Traveller offenders in Thames Valley

In-depth interviews were conducted with three Traveller offenders in Thames Valley Probation:

- ❖ ‘John’¹ (male, 20s); an English Traveller recently released from prison on licence, grew up on a site in Oxfordshire but currently lives in a flat with his partner and child.
- ❖ ‘Mark’ (male, 30s); an Irish Traveller serving a community order, grew up on sites in Ireland and the UK but currently lives in a house with his family.
- ❖ ‘Frank’ (male, 30s); an English Traveller recently released from prison on licence, grew up and currently lives on a site in Oxfordshire.

Both John and Frank stated that they had had good experiences of the Probation Service and had been treated fairly by their probation officers. John felt he was getting a lot of support from probation to ‘stay on the right track’, and was appreciative of the help he had received towards getting his CSCS Card. Neither John nor Frank reported any specific difficulties, or felt they had been treated any differently by probation because they were Travellers, with Frank concluding:

‘It’s been absolutely fine really. I’ve been treated with nothing but respect.’

John did report that in the past he had found it difficult to get to probation appointments due to poor public transport connections between the site

he was living on and the probation office, but this was no longer an issue.

Both Frank and Mark stated that they had never had any problems being released on licence to Traveller sites. Frank had in fact been released on HDC to his site from his current sentence, while Mark had been released to his family’s plot on a council owned site in the past.

While Mark had nothing but praise for his current probation officer, he was more critical of the Probation Service than the other two interviewees. Mark felt that the Probation Service lacked awareness of Traveller culture, specifically the importance of privacy to many Travellers and the reluctance to discuss personal matters:

‘The biggest mistake probation makes is with invasiveness. It’s a very private culture. You don’t discuss your personal life. It’s completely alien to Travellers to ask them personal questions on the first meeting. You need to build up trust first. We need to find out who you are and what your agenda is, and once that’s sorted we’ll be alright.’

Many Travellers, Mark said, were ‘understandably suspicious’ of non-Travellers, given the long history of anti-Traveller discrimination. While he understood that extracting personal information was an essential part of a probation officer’s job, he insisted that taking a little more time to explain *why* information was needed and building trust, would result in a more productive working relationship in the long term.

When the issue of probation officers experiencing difficulties while conducting home visits to sites was

raised, John pointed out that not all sites were the same:

'You wouldn't have problems visiting our site. It's a proper council site. But it's different with some Travellers; they don't let strangers on the site. All Travellers are different.'

Frank echoed this sentiment, saying:

'We have no trouble on our site. Everyone's welcome. But it's different for Travellers living on the side of the road [on unofficial sites]. A lot of those sites aren't safe to go on.'

Moving away from probation to the wider criminal justice system, both John and Mark had unequivocally negative perceptions of the police:

'Jesus Christ! I remember when I was seven years old getting pulled over when we'd been travelling for 24 hours, looking for a place to stop. We were pulled over and I had to stand there and watch my dad getting a good hiding... It's all about trust. And there is none now. I've got no respect for the police because the police have no respect for us. We've been victimised from day one.' (Mark)

'The police hate me. They've always hated me from when I was a little kid. They used to stop and harass me all the time. They were always up and down the site.' (John)

John also felt he had been a victim of anti-Traveller discrimination in court proceedings, recalling that the fact he was a Traveller was brought up at a bail hearing as evidence of him being a flight risk:

'They were saying "he's a Traveller with family up and down the country, he could abscond."'

Frank on the other hand, had had no negative experiences with police, never having been in trouble with the authorities before his current offence. Frank explained that he had been to school with local police officers, and counted several as friends. Interestingly, though all three had at some point served time in prison, none had any complaints about their

treatment there. The consensus was that prison officers made little distinction between different prisoners, with Frank explaining:

'You've got the same problems as anyone else in prison. You miss your family and stuff. But I never had any problems in prison. Prison officers are fair. As long as you behave you're treated the same as anyone else.'

Frank drew attention to the value of Traveller groups in prison:

'I was worried when I first went in, never having been in prison before I didn't know what to expect. But it was nice to have company in prison, through the Traveller group. It put me at ease a bit having other Travellers to talk to.'

When asked to reflect on what led to Travellers coming into contact with the justice system, John revealed quite negative views of his own community:

'It's because of family. Families are into crime and it passes down. I don't think that'll ever change because Travellers don't like paying for nothing.'

John felt that this perceived attitude amongst Travellers in his community was down to a sense of alienation from the rest of society:

'What do people expect? They call us Gypos, they won't give us jobs; they don't like us! So why should we pay for things if they treat us like that?'

Frank gave a very different account of his community's attitude towards criminality, pointing out that this was the first time he had been in trouble with the law, and that very few of his friends or family had ever been arrested.

Frank did note that increasing numbers of young Travellers were getting into trouble as a result of alcohol and drug use; something he saw as a recent phenomenon:

'There's a lot of stupidity now among the younger Travellers. Drink driving and drugs. You can't help a lot of them.'

Frank conceded that fighting occasionally brought Travellers into contact with police, but said that this

rarely happened as fights were secretly organised to take place on private land and participants would never press charges. Frank did not feel the threat of arrest deterred Travellers from fighting, stressing that:

'Fighting is part of our culture at the end of the day. We have to fight whether we like to or not. It's as simple as that. Otherwise your whole family is branded as cowards... If police do get involved we just accept the consequences.'

Mark echoed Frank's sentiment, arguing that:

'Travellers will always fight. It's our culture. And at the end of the day its normal in the rest of the animal kingdom isn't it! So we accept the consequences. We won't ever give it up.'

None of the interviewees had any insight to offer on incidences of fraud and forgery in the Travelling community, revealed by the ICMS data. All stated that they did not know anyone who engaged in such activities, with John again pointing out that 'all Travellers are different'. As Frank pointed out:

'I know everyone in this town. We're part of the community. People wouldn't put up with us if we were ripping people off.'

On the question of how the Probation Service and other statutory agencies could improve their interactions with the Travelling community. Mark and John both suggested that bad experiences in the past made it hard for Travellers to trust agencies. Mark had the most pessimistic outlook, stating that:

'the damage has been done and it will take a lot to repair that damage.'

Mark was sceptical as to whether attempts by agencies to engage with the Traveller community could yield positive results:

'I was raised in a caravan. It's a hard way of life. I've been treated like a outcast since I was a kid. Never given a chance. You can try to be friendly and understand but you never will understand... We'll never trust you. We'll

think you've got ulterior motives; that you're trying to keep tabs on us. It's all about trust and there is none now. We'll always see you as outsiders same as you see us.'

Mark also doubted the government's commitment to improving outcomes for Travellers, expressing the view that:

'When the government is making cuts we're not important. We're not a priority. We'll never get our slice of the budget. And really we just want to be left alone anyway. We don't want your help or your society.'

Despite sharing many of Mark's views, John held a little more hope for the future, expressing the view that:

'One day things should get better. It can't stay like this forever... I think that people should just get on. Stop looking down their noses at each other.'

All three independently asserted that education was the most important area of provision for improving the situation of the Traveller community. Frank noted that a good local school had had a positive impact on his family:

'I went to a good school and had no problems there. So my kids now go to the same school. That's why we're all educated.'

Education professionals were also said to have good relations with Traveller families, and offer the best point of contact between statutory agencies and the community, with Mark stating that:

'The education officers are the only people we trust really. The one's that work with Travellers and know the community.'

Traveller Equality Project

John too remembered the local Traveller education officer as being the only person from the local authority to regularly visit the site:

'The Traveller education man was the only person who came on the site from the council. Some people from the church too. But that education man was good.'

7. Meeting The Needs of Traveller Offenders

The interviews with Traveller offenders illustrated the point that Gypsies and Travellers are not a homogenous group. The three men interviewed came from different communities and had experienced quite different life trajectories. The ethnic category 'W3 - Gypsy or Irish Traveller' is a catchall, which includes several distinct communities of nomadic heritage present in the UK. It should therefore be noted at the outset that there can be no 'rules' for probation officers working with Traveller offenders. As the officers in the focus group pointed out, Traveller offenders are individuals first and foremost and should be treated as such.

That said, shared cultural traits, and perhaps more significantly shared experience in terms of exclusion from settled society, do increase the likelihood of Traveller offenders presenting needs in some key area. These need-areas should be borne in mind by practitioners working with offenders from Gypsy and Traveller communities.

Monitoring

In itself, the audit of Traveller offenders that preceded the data collection highlighted the importance of having effective strategies for monitoring of Gypsy and Traveller offenders. The fact that the number of identified Travellers jumped from three to 37 demonstrates the difference a pro-active approach to monitoring can make, beyond the existence of a tick box on a form.

Probation officers need to be aware of the sensitivities around Traveller identity and the

reluctance of some service users to declare their ethnicity unless specifically prompted and reassured. In the case of Thames Valley, some probation officers found that just asking the monitoring question triggered interesting conversations with Traveller service users, giving them more insight into Gypsy and Traveller culture, and conveying a message to Traveller offenders that their culture was recognised and valued.

Trust

The alienation of many Traveller communities from wider society was demonstrated by the difficulty experienced by probation officers being forced to 'leg it' from a specific site by residents, as well as by the strongly held 'us and them' sentiments of John and Mark. Historical discrimination, cultural difference and punitive legislation have put huge strain on relations between Travellers and the state, a situation best summed up by Mark:

'the damage has been done and it will take a lot to repair that damage.'

Clearly, this is not a problem the Probation Service can solve on its own, but the implications of this dissonance on probation practice should be considered. In so far as would be practical, officers could take on board Mark's concerns about the perceived invasiveness of probation interviews. This would not entail treating Travellers differently from other offenders, but appreciating that the process may be more difficult for Travellers and consequently taking more time to explain and reassure. This would be especially helpful with female Traveller offenders, who are often extremely anxious when dealing with

officialdom and wary about the confidentiality of discussions with probation officers.

The difficulties some officers faced finding a 'way in' to sites highlighted a problem of engagement at the local authority level; in particular it was highly concerning that a local authority Gypsy, Roma, Traveller liaison officer refused to assist another statutory agency. As a law enforcement agency, the Probation Service may very well be met with suspicion by residents on sites, it would therefore be desirable to 'link up' with other services who have already built a rapport and can advise on the best approach. This may involve research, and thinking outside the usual frameworks; both Mark and John for example referred to Traveller education workers as the only people from the local authority they trusted and with whom they had good relations. Where such services exist, officers could make contact to be briefed on the situation on specific sites.

In cases where no statutory agencies have links to a site the Probation Service might consider raising this as an issue with the local authority or at interagency forums. Given that the Probation Service only engages with people at 'crisis points' once individuals are already inside the justice system, the onus should be placed on other agencies to build relations and trust with Gypsy and Traveller communities in their jurisdiction.

It should again be remembered though, that not every site or Traveller community is the same. Frank for example felt that his site was an integral part of the community, and enjoyed good relations both with the settled community and statutory agencies. This goes to show what is possible with good engagement with local Traveller communities.

Literacy and Numeracy

That literacy, numeracy and poor engagement with education should figure heavily in the needs of Traveller offenders in Thames Valley is not surprising; these findings reflect the situation of Gypsies and Travellers in society generally. A survey in Dorset in 2007 for example, found that 62% of adult Gypsies and Travellers in the region were illiterate (Friends Families and Travellers 2007). 25% of Gypsy and

Traveller children in Britain are not enrolled in education and in 2007 only 14% of Gypsy children achieved 5 GCSEs A-C, compared to 59% of the general population (Barclay 2011: 9).

Some officers suggested that 'anti-education' attitudes held Travellers back from engaging in education; a view apparently supported by OASys data which revealed that Traveller offenders were far less likely to acknowledge having any education, training or employment needs. However, it is important not to confuse the influence of culture with the impact of social structures in this context.

Many Travellers in the UK have missed out on education not because of cultural aversion but because a dire shortage of Traveller sites has left them in a vicious circle of evictions, unable to access basic services. Traveller offenders may feel embarrassed by their lack of literacy and numeracy in an increasingly educated society and daunted at the prospect of engaging in education at a later stage in life. This may be aggravated by negative past experiences of schooling, where racist bullying against Travellers is still common (see Bhopal 2009). In this sense, they may not be inherently 'anti' education, but have more reservations and fears than offenders from majority communities.

It is also important that cases where Travellers are resistant to education do not lead to automatic assumptions that all Travellers are unwilling to engage in education. Indeed, the three Traveller offenders interviewed for the study saw education as essential, not only for themselves but for the future of their communities.

Travellers are not the only offenders to have difficulties around literacy; a 2004 Home Office study found that there was a 'a marked discrepancy between the literacy demands of the programmes and the literacy levels of offenders required to attend them' (Davies 2004: 3). The study found that the most effective support for offenders with low literacy, to ensure they did not miss out on offending behaviour courses, included 'the use of a literacy support worker within sessions, dedicated and linked literacy support outside sessions and peer support' (Davies 2004: 4).

Given the significant impact that low literacy has on re-offending (see for example Parsons 2002), there is a case to be made for dedicating more resources for literacy support. This could be by increasing the capacity of existing provision (the 'Bridge to Employment' advisor in the case of Thames Valley), or making more use of volunteer and mentor support specifically around literacy.

There is also a need for officers carrying out initial assessments to pay more attention to the educational needs of Traveller offenders. In the event of Traveller offenders refusing educational interventions, officers might spend more time explaining how such interventions could be useful to them; exploring the reasons behind their reluctance to engage and attempting to allay any concerns they might have.

In the national context, the National Offender Management Service recently co-financed a learning and skills service targeted at Gypsy and Traveller offenders in the West Midlands⁵. Effective monitoring of Traveller offenders on probation, highlighting the obvious need for more support around literacy could help make the case for more such programmes to be funded.

Discrimination

John's account of his ethnicity being brought up as a risk factor at a bail hearing corresponds with Power's (2003) study of the treatment of Travellers' in the criminal justice system. The suggestion that Travellers pose more of a flight risk than other offenders is out of date in a context where the vast majority of Travellers live at a fixed location – be it a site or house – and travel only for a short period in the summer months, if at all.

It was encouraging to hear that probation officers pro-actively edited pre-sentence reports to remove non-relevant information about an offender's background, in an attempt to reduce opportunities for discrimination. This, again, is good practice, as is

the utilisation of gatekeeping, to ensure reports only contain material that is fair and relevant.

Building on this, probation officers might consider preempting potentially prejudiced assumptions when writing pre-sentence reports; for example actively stating that an offender is reliable and has a stable home (if this is the case), if there is concern that their ethnicity may lead to unjustified fears of them absconding.

The probation officers involved in the focus groups also shared concerns about the inflexibility of OASys, raised in NOMS good practice guide for working with Gypsy and Traveller offenders (2009: 19). A glance at an OASys assessment form immediately reveals questions which are heavily biased towards settled modes of living. In section three; accommodation for example, OASys presents questions regarding:

'quality of residence, appropriateness of living arrangements'

These are subjective concepts, which could all too easily be influenced by the cultural norms of the assessor. Interestingly however, the probation officers felt that most practitioners would use their judgment to counteract this effect, and felt that though there were problems with the OASys system they still had enough discretion in scoring to prevent Traveller offenders being unfairly categorized as higher risk. Nevertheless, additional guidance on completing OASys assessments for offenders of nomadic heritage could be useful to practitioners, to safeguard against the cultural bias present in OASys.

It was clear that release to a Traveller site was not as straightforward for Traveller offenders as release to bricks and mortar accommodation. Objections to release to sites were said to frequently come from the police; perhaps unsurprising given the often poor relations between the police and Travelling communities well documented elsewhere (see Dawson 2000, Richardson 2005). John and Mark's

interviews reveal how far community relations with the police can deteriorate, with John referring to the

⁵ Pertemps People and Development 'New Leaf' Programme. Co-financed by the National Offender Management Service and European Social Fund.

police 'hating' him and Mark recalling instances of police brutality as a child.

Difficult relations between Travelling communities and the police are not within the Probation Service's remit to resolve, but should be borne in mind in inter-agency meetings, where joint decisions will impact on Traveller offenders' lives. It was encouraging to see that the probation officers involved in the study had indeed advocated on behalf of Traveller offenders wishing to be released to sites, challenging assumptions and going to considerable lengths to convince other parties that sites should not be ruled out as suitable accommodation unless specific security concerns existed. This advocacy represents best practice and demonstrates the role that the Probation Service can play in promoting race equality in relation to Gypsy and Traveller communities.

Perceptions of Violence

While the available data did not point towards violence being any more prevalent amongst Travellers than other offenders, the probation officers did suggest that attitudes towards violence amongst some Travellers could prove problematic. Both Mark and Frank referred to fighting as being part of their culture; a natural means of settling conflict. Such attitudes would create difficulties in terms of engaging with offender behaviour programmes, which require participants to accept the basic premise that violence is not an acceptable way to solve problems.

A key point raised by one probation officer was the unmet need that exists, in terms of offender behaviour programmes specifically addressing *instrumental* violence. Key offender behaviour programs such as CALM (Controlling Anger and Learning to Manage it) and ART (Aggression Replacement Training) focus on reactive, impulsive violent behaviour, helping participants to manage aggression and develop rational thinking and problem solving skills. Some Travellers however, engage in violence that is not impulsive but pre-meditated and community sanctioned. Evidence based programmes to address this kind of instrumental violence could be explored by NOMS, and may prove effective with other offender groups.

Attitudes towards domestic violence were also said to present difficulties with Traveller offenders; consistent with a Welsh study which found that 61% of married English Gypsy women and 81% of married Irish Traveller women had experienced domestic abuse (South East Wales Regional Women's Aid Consortium 2010: 4). In instances where Traveller offenders have been convicted of domestic violence offences, the Community Domestic Violence Programme (CDVP) was said to be effective; provided of course that the offender in question met the required literacy level.

The difficulty for the Probation Service is that community attitudes prevent the majority of domestic violence cases from being reported so there are limited opportunities for the service to engage with Traveller offenders around this issue. Nonetheless, domestic violence remained a factor and potential barrier in many cases being supervised. Most significantly, probation officers reported that many female Traveller offenders were wary of disclosing any information for fear it would be relayed to their partners. The anxiety which some female Traveller offenders experienced made it difficult for them to build constructive relationships with officers and make progress while on supervision.

In dealing with offenders from the Travelling community it is important that practitioners understand the cultural context, which can present additional barriers to women escaping domestic violence. As the charity 'Friends, Families and Travellers' points out:

'Most Gypsies and Travellers will have a social life that is mainly based around their extended family and community. Leaving because of domestic abuse means a woman not only losing her home and partner, but also her community, her culture and way of life. It also leaves her open to prejudice of the settled population, without the security and protection that living with her own community brings.'

(Friends, Families and Travellers 2009: 1)

Traveller women may fail to realise that their partners' actions are illegal, and lack knowledge of services which could offer support, meaning

practitioners may need to start at the basics and proceed extremely sensitively when discussing issues around domestic violence with affected individuals; taking more time to signpost offenders to the help they need.

Extremely poor relations between many Travelling communities and the police can be a contributing and aggravating factor to violence within the community. Feeling unable to go to the police with problems or in instances of victimisation strengthens the perception that it is best to 'deal with' issues within the family or community. In extreme cases this can lead to long running intra-communal feuds. In the Thames Valley for example, a feud between two Irish Traveller families had resulted in a stabbing at a funeral in Oxford in late 2012. Similarly, in cases of domestic violence, distrust and fear of the police may prevent women from seeking help.

Within the context of Travelling communities, certain forms of violence may not be perceived to be anti-social or pathological, yet they remain illegal. This creates a sense of dissonance between the community and the state. The Probation Service cannot transform perceptions of violence with Travelling communities on its own. It could however learn from multi-agency initiatives which have had success elsewhere.

In Mullingar, Ireland, unacceptable levels of violence in some sections of the Travelling community prompted the creation of the 'Midlands Traveller Conflict and Mediation Initiative' (MTCMI), to promote Alternative Dispute Resolution (ADR) within the Travelling community. MTCMI has seen a significant reduction in violent incidents, and has been particularly successful in work with offenders, finding:

'definitive evidence of attitude change, with some Traveller men expressing a real desire to move on from settling disputes by fighting, despite initially stating that it was part and parcel of how they lived.' (MTCMI 2011: 30)

The initiative has succeeded by working with, rather than against local Traveller communities, providing a

forum for mediation and opening a fresh dialogue on alternatives to violence. This preventative intervention has led to savings in terms of policing and county council costs; "the ongoing costs of doing nothing" (MTCMI 2011: 17). As a local police officer commented:

'Courts keep a lid on a boiling pot. Mediation puts out the fire.' (MTCMI 2011: 45)

The MTCMI programme did not deal with domestic violence but similar approaches have been used in other projects specifically addressing violence against Traveller women in the UK. The 'One Punch Kills' project was set up by a Traveller woman in Leeds, and funded through the charity 'Leeds GATE'. The project provided an outreach service to women, providing information and support and also starting dialogues with men in the community about domestic violence (Leeds Gate 2011). Kathleen Morrison who started the project and sadly passed away in 2012, saw the initiative as a vital starting point on a long journey:

'I knew it was a very tricky subject and it was hidden under the carpet but I knew I had to do this... The worst thing of domestic violence is one person having power over another one and using it in a bad way. I didn't think we could do anything big to solve it but change has got to start somewhere. I decided that the only place to start was with talking and that is what this project has been.' (Leeds Gate 2011: 2).

A common denominator to successful programmes is that they have sought to bring about change from within the community and involved community members from the outset. Permissive attitudes towards violence in some sections of the Travelling community exist in a context where many community members feel disconnected from wider society and alienated from social institutions which might provide support or alternative opportunities for conflict resolution. Multi-agency projects that seek to engage the community and build trust can open vital dialogues and yield concrete results.

Alcohol

Problematic alcohol consumption, highlighted as a need area by the OASys data is a growing problem in Travelling communities, as has been reported in UK and Irish studies. Van Hout (2010), writing in the Irish context, concluded that experiences of marginalisation, discrimination, depression, illiteracy and poverty contributed to increased levels of alcohol use, and that difficulties engaging with health and addiction services aggravated this situation. Similarly, a 2004 Department of Health funded study in the UK found alcohol was often used as a coping strategy among Travellers, who found it difficult to access health services for help (Parry 2004). Given the anxiety Travellers often feel at engaging with mainstream services, and the fact that many are not registered with a GP, it may take a degree of persuasion and support to signpost Traveller offenders on to the relevant alcohol support services.

Fraud and Forgery

The higher than average instances of fraud and forgery among Traveller offenders, recorded on ICMS and reported by probation officers in the focus group can in part be explained by the informal nature of traditional Traveller business practice in an increasingly regulated world. Lacking appropriate certification and qualifications and being unable to provide invoices or other paperwork may leave some Travellers operating on the wrong side of the law.

However, it would be wrong to assume that all occurrences of fraud by Travellers were 'accidental'. The probation officers' accounts of some Traveller offenders feeling that it was acceptable to overcharge if customers failed to negotiate effectively, corresponds with Dawson's (2000) findings in relation to Traveller's attitudes towards crime. Some Travellers interviewed by Dawson insisted that deception and in some cases intimidation were "good business", and that it was natural to try and outwit the other party in any transaction (Dawson 2000: 10). Dawson stresses that only a minority of Travellers engaged in such activity; something that was reiterated by the Traveller respondents to the Thames Valley study, who insisted they knew no one who engaged in such activities.

Frank's explanation of why no-one in his community

would engage in fraud was particularly enlightening, when he insisted:

'I know everyone in this town. We're part of the community. People wouldn't put up with us if we were ripping people off.'

Conversely, it could be suggested that feeling alienated from the wider community, and distanced from 'settled people', could foster a lack of empathy in some individuals, making such offences more likely. Although John was not referring to fraud when he stated;

'They call us Gypos... they don't like us! So why should we pay for things if they treat us like that?'

It could be suggested that the same attitude may facilitate fraudulent offending by some Travellers.

8. Tackling the Social Exclusion of Gypsies and Travellers: The Role of the Probation Service in its Institutional Context

It was striking that the three Traveller offenders interviewed for the study all reported good experiences while under probation supervision, and had clearly built constructive, supportive working relationships with their respective probation officers. This is significant in a context where many Travellers have had few previous positive experiences with statutory agencies, and only limited interactions with people from the settled community.

Trevor Philips, former chair of the Equality and Human Rights Commission (EHRC) has commented that for Gypsies and Travellers:

“Great Britain is still like the American Deep South for black people in the 1950s. Extreme levels of public hostility exist in relation to Gypsies and Travellers – fuelled in part by irresponsible media reporting of the kind that would be met with outrage if it was targeted at any other ethnic group”.

In this context many Travellers are afraid of engaging with state agencies, limiting their access to primary health care, education and other core services. As Mark succinctly put it, engagement with services is:

“all about trust and there is none now”.

The alienation of Traveller communities from wider society can aggravate patterns of offending, with some individuals dealing with problems they encounter via violence or unsuitable coping strategies

such as heavy drinking, rather than seeking appropriate help. Feeling detached from the settled community may also impact on some Travellers’ attitudes towards victims; making it easier for them to justify crime and anti-social behaviour. The effects of social exclusion will inevitably impact on probation officers’ working relationships with Traveller offenders, yet the service cannot ‘solve’ exclusion on its own.

Effective approaches to engaging the Traveller community – such as the ‘Midlands Traveller Conflict and Mediation Initiative’ and ‘One Punch Kills’ – have taken a holistic, multi-agency approach to tackling social exclusion. There is potential for the Probation Service to capitalise on the positive contact it has with Travellers to participate in similar such projects. By its nature the Probation Service only engages with Travellers once they are at a crisis point, yet the knowledge and insight gained at this point could be shared with agencies better suited to outreach and prevention work.

Where Traveller offenders repeatedly present needs which are beyond the Probation Services remit to address alone – for example in terms of low literacy, problematic drinking or domestic abuse – there would be an argument for the Service to petition the relevant agencies to improve their engagement with Traveller communities; sharing expertise at an organisational level to facilitate this.

Traveller Equality Project

Clearly this is an area that requires further thought and reflection, but it is obvious that the Probation Service could make a useful contribution to projects designed to tackle social exclusion in the Travelling community.

9. Conclusion and Key Recommendations for working with Gypsy and Traveller Offenders

As was stated at the outset, Travellers are not a homogenous group and there can be no standard 'rules' for probation officers working with Traveller offenders. That said, evidence from Thames Valley Probation suggests that Traveller offenders are more likely to present needs in a number of key areas including education, training and employment, accommodation and attitudes towards violence.

Addressing the specific needs of Gypsy and Traveller offenders does not require large scale expenditure by the Probation Service. However, improved socio-cultural awareness combined with a number of modest adaptations in provision could lead to improved outcomes for this vulnerable service user group.

Key recommendations for working with Gypsy and Traveller offenders emerging from this study are as follows:

For Probation Officers

- Officers should bear in mind that Travellers in the UK belong to several distinct communities. Though many Traveller offenders present similar needs, it would be wrong to assume all will; Traveller offenders should be treated as individuals first and foremost.
- Officers should utilise pro-active monitoring techniques to identify 'W3 Gypsy or Irish Traveller' offenders; prompting offenders with

the question 'do you consider yourself to be a member of the Travelling community?', and explaining the importance of accurate monitoring for service provision.

- Bearing in mind the suspicion of authority borne out of historical and ongoing discrimination, as well as the importance of privacy to many Travellers, officers should take extra time to reassure Traveller offenders at the beginning of the supervision process, explaining why personal information is needed and how it will be used.
- Officers should exercise caution when preparing pre-sentence reports, ensuring reports do not contain irrelevant information which could reveal Traveller offenders cultural identity and leave them open to prejudice in court proceedings.
- Officers should exercise discretion when completing OASys assessments, to ensure that scoring of Traveller offenders is not affected by cultural bias. In relation to 'appropriateness of living arrangements' for example, scores should be based on specific concerns and information and not upon assumptions relating to Traveller sites.
- Bearing in mind the importance of family support networks to Travellers, and the cultural significance of living on sites as opposed to bricks and mortar accommodation, officers should support applications for HDC or release on licence to sites, where no specific concerns exist to prevent this. Officers should be aware of the

prevalent perception that Traveller sites are automatically unsuitable accommodation, and be prepared to advocate for Traveller offenders while formulating release plans with other agencies.

- Bearing in mind the low levels of literacy and educational attainment in the Travelling community, and the poor experiences many have had in formal education, officers should make extra efforts to engage Travellers with educational support. Where possible, officers could try to 'sell' educational opportunities in ways which appeal to Traveller offenders; for example connecting literacy to obtaining a CSCS Card.
- Where Traveller offenders are reluctant to acknowledge having support needs around education, officers should take time to explore the reasons behind this reluctance. Officers should recognise that Traveller offenders may be daunted by education rather than inherently 'anti-education'.
- Officers should be aware of cultural perceptions of domestic violence within Traveller communities, and the various reasons women may be reluctant to seek help. Officers should proceed with cultural sensitivity when working with Traveller domestic violence victims, assuaging fears in relation to confidentiality and signposting to relevant services.
- Officers should familiarise themselves with statutory and voluntary services engaging with Travellers locally in order to develop useful contacts. Wherever possible, officers should seek advice from partner agencies about the situation on specific sites before visits, so that potential difficulties can be planned for in advance.

For the Probation Service

- The Probation Service should seek out ways of increasing literacy support for Traveller offenders, to enable those with low literacy to participate in offending behaviour courses. Better use could be made of volunteers- particularly those with

teaching backgrounds - to provide embedded literacy support for offenders participating in programmes⁶.

- The Probation Service should consider utilising ethnic monitoring data to make a funding case to increase the capacity of existing services such as 'Bridge to Employment' (B2E) advisors, to enable these services to meet the high support needs of Traveller offenders.
- The Probation Service should capitalise on their contact with members of the Travelling community, sharing expertise with partner agencies at an organisational level. Where particular needs are repeatedly observed amongst Traveller offenders, services should consider petitioning relevant agencies to improve their engagement with Traveller communities.
- The Probation Service should include information on Gypsy and Traveller culture and history in equality and diversity training. Where possible, this training should engage local Travellers, so that practitioners gain insight into the situation of the community locally.

For the National Offender Management Service (NOMS)

- NOMS should investigate the possibility of developing offending behaviour programmes more tailored towards offenders who have participated in instrumental violence.
- NOMS should adapt OASys guidance documents, to ensure that cultural bias does not impact upon the assessment of Traveller offenders. In terms of accommodation for example, it should be pointed out to assessors that site accommodation should not automatically be considered less 'suitable' or 'appropriate' than bricks and mortar accommodation.

⁶ In Thames Valley, volunteers are provided by SOVA: <http://www.sova.org.uk/>

For HM Inspectorate of Probation

- Following the example of HM Inspectorate of Prisons, HM Inspectorate of Probation should consider the needs and treatment of Gypsy and Traveller offenders in the course of its inspections.
- HM Inspectorate of Probation should include Gypsy and Traveller offenders in future equality action plans.

References

- Bhopal, K., "'What about Us?' Gypsies, Travellers and 'White Racism' in Secondary Schools in England." *International Studies in Sociology of Education* 21.4 (2011): 315-329.
- Clinks and Prison Reform Trust (2010). *Double Trouble? Black, Asian and minority ethnic offenders' experiences of resettlement*. London: Clinks and Prison Reform Trust
- Davies, K., Lewis, J., Byatt, J., Purvis, E., & Cole, B. (2004). *An evaluation of the literacy demands of general offending behaviour programmes*. London: Home Office
- Dawson, R., (2000). *Crime and Prejudice: Traditional Travellers*. Derbyshire: Robert Dawson
- Department for Communities and Local Government (2012). *Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers*. London: DCLG
- Friends Families and Travellers (2007). *Working with Gypsies & Travellers: A brief note for Health Practitioners* [online]. FFT. Available from http://www.gypsy-traveller.org/pdfs/working_health_gypsies_travellers_guide.pdf
- Friends, Families and Travellers (2009). *Supporting Gypsies and Travellers living with Domestic Violence* [online]. Available from http://www.gypsy-traveller.org/wp-content/uploads/file/10_06_09%20DV%20leaflet.pdf
- HM Inspectorate of Prisons (2010). *Report on an announced inspection of HMP Send*. London: HMIP
- HM Inspectorate of Prisons (2011). *Report on an unannounced full follow-up inspection of HMP Wormwood Scrubs*. London: HMIP
- HM Inspectorate of Probation (2000) *Towards Race Equality*. London: HMIP
- HM Inspectorate of Probation (2004) *Towards Race Equality: Follow-Up Inspection Report*. London: HMIP
- HM Inspectorate of Probation (2011) *HMI Probation Equality Action Plan 2011-14*. London: HMIP
- Leeds Gate (2011). *One Punch Kills: A Domestic Violence Project Report*. Leeds: Leeds Gate
- Mac Gabhann, C., (2011). *Voices unheard. A study of Irish Travellers in prison*. London: Irish Chaplaincy in Britain
- Midlands Traveller Conflict and Mediation Initiative (2011). *Working Towards Peace: a Report on the Midlands Traveller Conflict and Mediation Initiative* [online]. Available from https://www.pobal.ie/Publications/Documents/Traveller%20Interagency%20Programme_WorkingTowards%20Peace%20Report.pdf
- Morran, D., (2001). *A Forgotten Minority: Workers' perceptions of Scottish Travelling People*. *Probation Journal* 48 (1) 26-33
- National Offender Management Service (2008). *Race Review 2008 Implementing Race Equality in Prisons – Five Years On*. London: NOMS
- National Offender Management Service (2009) *Gypsy, Traveller and Romany Prisoners: Good Practice Guide* [Prepared by Nacro]. London: NOMS
- Parry G et al. (2004). *The Health Status of Gypsies & Travellers in England Report of Department of Health Inequalities in Health Research Initiative Project 121/7500*. Sheffield: University of Sheffield
- Pizani Williams, L., (1994). *Gypsies and Travellers in the Criminal Justice System. The Forgotten minority?* University of Cambridge Institute of Criminology *Cropwood Occasional Papers No.23*
- Power, C., (2003). *Irish Travellers: Ethnicity, Racism And pre-Sentence Reports*. *Probation Journal*, 50(3), 252-266.

Richardson, J., (2005). Policing Gypsies and Travellers. Plenary paper to the Housing Studies Association Conference (HSA), Lincoln,

South East Wales Regional Women's Aid Consortium (2010). Domestic Abuse & Equality: Gypsy and Traveller Women [online]. Available from http://www.equalityhumanrights.com/uploaded_files/Wales/domestic_abuse_and_gypsy_travellers.pdf

Van Hout, M. C., (2010). Alcohol use and the Traveller community in the West of Ireland. *Drug and Alcohol Review*, 29(1), 59-63.

06/14 ICB

