

Disrupting the School to Prison Pipeline

Exploring why Gypsy, Roma and Traveller children experience the school to prison pipeline and how it can be interrupted

Executive Summary

July 2022

About the Traveller Movement

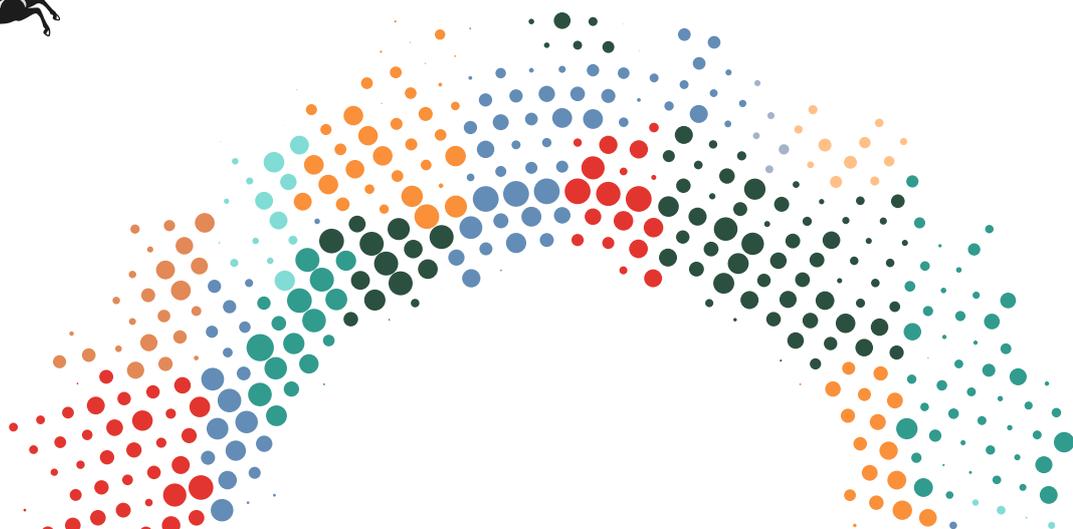
The Traveller Movement is a registered UK charity promoting inclusion and community engagement with Gypsies, Roma and Travellers. The Traveller Movement seeks to empower and support Gypsy, Roma and Traveller communities to advocate for the full implementation of their human rights.

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1. Introduction

We are not all at equal risk of encountering the criminal justice system. The path to entering prison is neither short nor straightforward. There are often a number of contributing and interconnected factors including poverty, ethnic and social inequalities, mental ill health, and exclusion from school. These can all be significant drivers in channelling vulnerable children into the criminal justice system. Early interventions must be made to help divert children away from these pathways before they become entrenched.

The 'school to prison pipeline' is a term used to describe the path from school exclusion to entry into prison. Increasingly, schools are moving towards no tolerance policies which result in permanent exclusions, particularly for children from Gypsy, Roma and Traveller and other ethnic minority backgrounds. These children are overrepresented in Young Offender Institutions.

Within the criminal justice sector the concept of 'breaking the pipeline' is often cited as a means of breaking the cycle of offending and reoffending. This can be achieved through community sentences and other alternatives to custody, educational interventions in prisons, family interventions, and drug and alcohol rehabilitation. **Equal attention to the school system is needed to ensure that children are diverted away from the criminal justice system before they even have a chance to enter it.**

The school to prison pipeline most severely impacts Gypsy, Roma and Traveller (GRT) children and Black Caribbean children. Both demographics are overrepresented in school exclusion and criminal justice population data.

GRT children consistently face the highest exclusion rates of all ethnic groups across all school years. In 2018-19, Gypsy/Roma children were (temporarily) excluded at a rate of 21.26%, followed by Irish Traveller children at 14.63%. This is in comparison to 5.36% of all pupils.¹

In 2019-20, nearly 10% of children in the youth estate identified as Gypsy, Roma or Traveller.² To put this into perspective, current statistics estimate that GRT people comprise around 0.1% of the UK population.³ This is likely to be an underestimation, however, due to low levels of self-reporting and unreliable data collection. The true population is likely to be closer to 0.5-1%.

It is important to stress that the majority of students who are excluded from school do not enter the criminal justice system, either in the youth or adult estate, but there is a clear correlation between high rates of exclusion and the likelihood of entering the justice system.

The school to prison pipeline is already a well-recognised phenomenon within both education and criminal justice sectors.⁴ This is not a phenomenon limited to one ethnic group but is experienced by children from all backgrounds. Often, the existing discussion centres on the experiences of Black children, rightfully identifying how structural racism disadvantages pupils from Black African and Black Caribbean backgrounds. Less research has been conducted into how the pipeline uniquely impacts Gypsy, Roma and Traveller children. This report draws upon existing research alongside case studies gathered by the Traveller Movement to investigate how the school to prison pipeline is experienced specifically by GRT children.

The most effective means of breaking the pipeline lies at the beginning: in schools. As the abolitionist group No More Exclusions argue, 'attempts to "improve" (and thereby legitimise) school exclusions do nothing to improve the conditions or life chances of those affected, and instead simply perpetuate structural and systemic causes of harm and deprivation.'⁵ **An end to the use of exclusion from school will divert children away from the criminal justice system at the earliest possible stage.**

1 gov.uk, *Ethnicity Facts and Figures*, 'Temporary exclusions' (2021).

2 HM Inspectorate of Prisons, 'Children in Custody 2019-20' (2021).

3 Office for National Statistics, '2011 Census Analysis: What does the 2011 Census tell us about the characteristics of Gypsy or Irish Travellers in England and Wales?' (2014).

4 See: Beth Tolley, *Alliance Against Seclusion and Restraint*, 'What is the school-to-prison pipeline?' (2020); The Black Child Agenda, 'Tackling Schools to Prison Pipeline'; Aamna Mohdin, *The Guardian*, 'School-to-prison pipeline: youth justice services failing black boys' (2021).

5 No More Exclusions, "'What About the Other 29?' And Other FAQs" (2022), 5.

Other interventions, including On-Site Inclusion Units, are more effective in helping vulnerable children than exclusion and subsequent entry into alternative provision. In addition, education should be prioritised for children who are further down the pipeline. Where exclusion has already taken place and/or children are in prison, informed and individualised educational interventions can help to improve the poor educational attainment of GRT youth and to reduce the stark ethnic disparities.

In 2019, Public Health England published a guide on the CAPRICORN framework, a whole-system approach to tackling offending and reoffending among children and young people. This involves both upstream prevention (reducing offending) and downstream prevention (reducing reoffending) through actions at both individual/family and community level.⁶ A public health approach such as CAPRICORN takes a population-level approach, as opposed to focusing only on individuals who are high-risk, and identifies both risk and protective factors. It is essential that this is adopted across the entire youth justice system, to both identify vulnerable children before they offend and divert them away from the school to prison pipeline, and to support and centre children who are already in the justice system to prevent cycles of reoffending. Gypsy, Roma and Traveller children must be placed at the heart of this approach.

The current age of criminal responsibility in England and Wales is ten, which means that any child aged ten or over can be arrested and charged with a crime. This is one of the lowest ages in Europe.⁷ According to the United Nations, the age of criminal responsibility should be no lower than fourteen as the brains of children below this age are not fully developed. This impacts their ability to understand the full impacts of their actions and to comprehend the complexities of the criminal justice system.⁸ It is vital to remember that children in the youth estate are precisely that – children – and should not be treated or referred to as young adults. The adultification of children in the criminal justice system particularly impacts those from ethnic minority backgrounds, including GRT. Carceral environments and the traumatic experience of imprisonment are difficult enough for adults to navigate and children should not be placed in these conditions.

The Peelian approach to policing, upon which the UK police system is based, sets out nine key principles. One of these states that the true test of police efficiency is the absence of crime, as opposed to the visible evidence of police action.⁹ Gypsy, Roma and Traveller communities are overpoliced, particularly those who maintain nomadic lifestyles.¹⁰ The overrepresentation of GRT children in the youth estate results in the continual visibility of GRT people in the criminal justice system. According to Peelian principles, an effective justice system and approach to policing would see fewer people stuck in cycles of reoffending and imprisonment, particularly for youth who are especially vulnerable in the criminal justice system. Instead, diversion from the prison estate through alternatives to custody can help to tackle the visible evidence of over-policing, as exemplified by the overrepresentation of GRT in the youth justice system.

In March 2022, the Scottish government pledged to end the imprisonment of under-18s in Young Offender Institutions and will be consulting on new legislation to fund care-based alternatives.¹¹ In line with the CAPRICORN child-first, public health approach to youth justice in England, children should not be treated as young adult offenders and should not be sent to prisons. Instead, diversionary routes and alternatives to custody should be taken to divert children away from the school to prison pipeline.

6 Public Health England, '[Collaborative approaches to preventing offending and reoffending in children \(CAPRICORN\)](#)' (2019).

7 Billie Tomlinson, *The Justice Gap*, '[Council of Europe criticises UK's low age of criminal responsibility](#)' (2020).

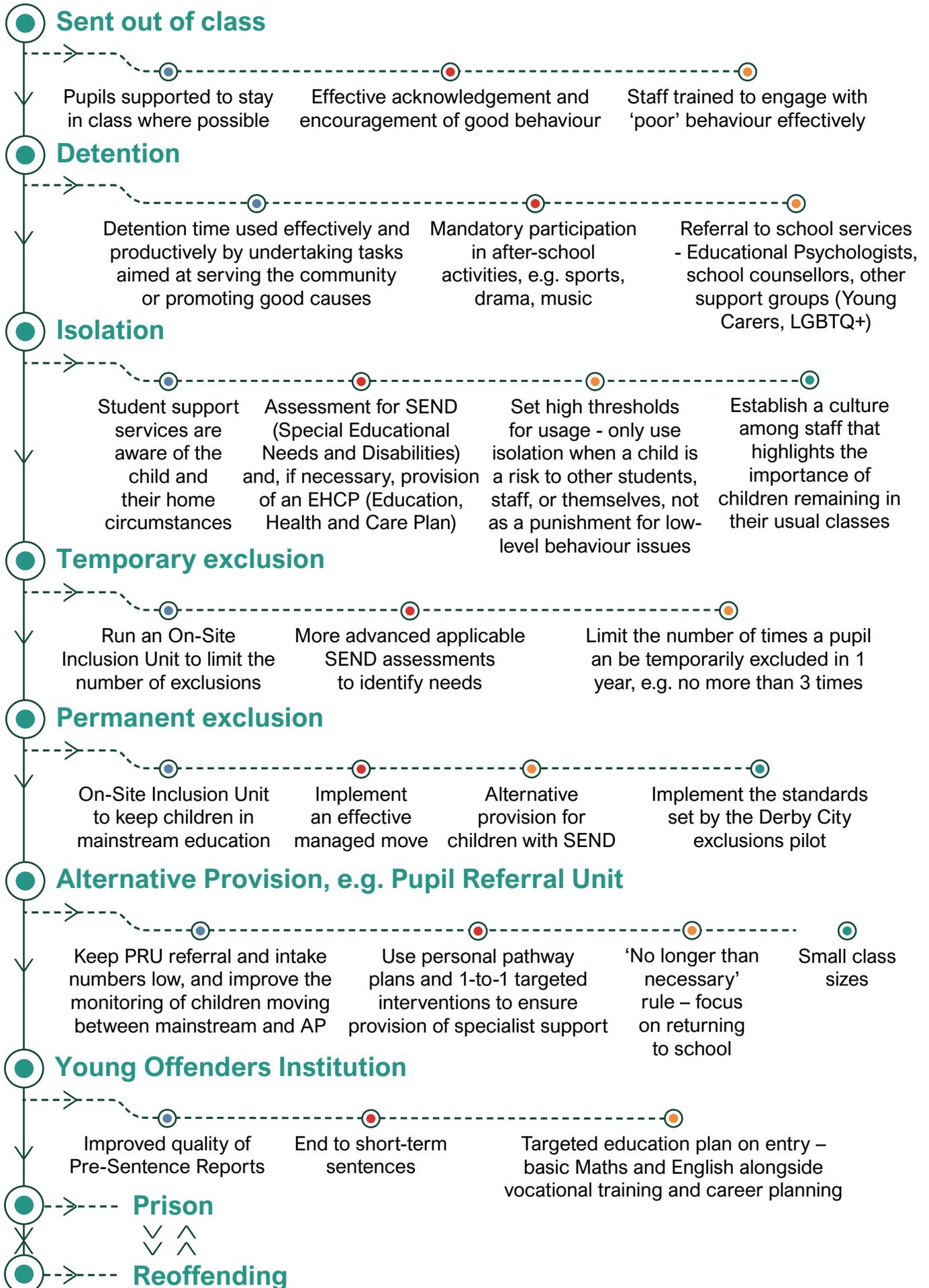
8 United Nations, *Convention on the Rights of the Child*, '[General comment No. 24 \(2019\) on children's rights in the child justice system](#)' (2019).

9 Law Enforcement Action Partnership, '[Sir Robert Peel's Policing Principles](#)' (accessed 2022).

10 The Traveller Movement, '[Policing by consent: Understanding and improving relations between Gypsies, Roma, Irish Travellers and the police](#)' (2018).

11 gov.scot, '[Keeping the Promise implementation plan](#)' (2022).

The School to Prison Pipeline: How it can be Disrupted



2. Key Findings

Pupils from a Gypsy, Roma and Traveller background have the lowest educational attainment of all ethnic groups throughout all schooling years.¹²

Gypsy, Roma and Traveller children are more likely than White British children to be diagnosed with Special Educational Needs and Disabilities (SEND). In 2019-20, 30% of Irish Traveller pupils and 27% of Gypsy and Roma pupils had identified SEND, in comparison to 12.2% of the general school population. **Only 4% of Gypsy/Roma and 5% of Irish Traveller children with SEND had an Education and Health Care Plan in place.**¹³

GRT children are also **five times more likely to be excluded** from school than their peers in the wider school population. In 2018-19, Gypsy and Roma pupils faced the highest *temporary* exclusion rates, at 21.26%, followed by Irish Traveller pupils at 14.63%.¹⁴ Gypsy and Roma children were *permanently* excluded at a rate of 0.39%, followed by Irish Traveller pupils at 0.27%.¹⁵

As of 2019-20, Gypsy, Roma and Traveller children constituted nearly 10% of the youth estate: a huge overrepresentation. GRT children in the youth justice system were more likely than non-GRT children to report health problems and disabilities, including mental health difficulties and learning disabilities. Furthermore, perceived levels of safety were lower and reports of assault were higher among GRT youth in comparison to non-GRT youth.¹⁶

Interventions can be made both before and after exclusion from school to break the school to prison pipeline and divert Gypsy, Roma and Traveller children away from entering the criminal justice system.

Educational Interventions

School Policies and Procedures

Under the Public Sector Equality Duty (PSED), schools have a legal obligation to “*publish information that demonstrates how they have met the equality duty.*”¹⁷

Where equalities objectives and information are mandatory requirements, equality and diversity policies are not. These go further than the former, allowing schools to establish a clear identity promoting equality and diversity, and linking to school procedures which promote inclusion.

This is a legislative gap. Equality and diversity policies should be made mandatory in all schools, accompanied by clear guidance and expectations over the content.

Schools are also required to implement a behaviour policy in schools, but these often do not make suitable reference to race and ethnicity. The racist bullying of Gypsy, Roma and Traveller children in schools often goes unchallenged, which can result in GRT children feeling unsafe or unwelcome in school, in turn impacting attendance rates and educational attainment. **Schools should be required to protect the rights of all children, on the basis of their race or religious belief, and to set clear standards that all pupils should be equally held to account and protected for bullying under the behaviour policy.**

12 Cabinet Office, 'Race Disparity Audit: Summary Findings from the Ethnicity Facts and Figures website' (2018), 19.

13 gov.uk, *Education Statistics*, 'Special educational needs in England' (2021).

14 gov.uk, *Ethnicity Facts and Figures*, 'Temporary exclusions' (2021).

15 gov.uk, *Ethnicity Facts and Figures*, 'Permanent exclusions' (2021).

16 HM Inspectorate of Prisons, 'Children in Custody 2019-20' (2021).

17 Equality and Human Rights Commission, 'Public sector equality guidance for schools in England' (2012), 14.

In-School Mainstream Exclusion: Isolation Rooms

The use of isolation rooms, where children are segregated from their class peers as a result of 'disruptive' or distressed behaviour, is a form of in-school exclusion.

There are circumstances where isolation rooms can be helpful, including instances where a pupil is displaying behaviour which presents a danger or significant disruption to either themselves or those around them. In these situations, pupils should not be placed in isolation for longer than is necessary and the priority should be to return the pupil to mainstream lessons as quickly as possible.

If, however, a risk assessment shows that the benefit of using an isolation room lies with the class more than the child in question or the child is persistently displaying 'disruptive' behaviour, other measures would more productive in supporting positive behaviour than an isolation room. These may include placement in an On-Site Inclusion Unit and a Special Educational intervention or assessment.

The most significant concern about the improper use of isolation rooms is that children, especially those children from Gypsy, Roma and Traveller backgrounds, are being removed from mainstream education. This has the wider social consequence of further marginalising people from these ethnic groups and entrenching socioeconomic inequalities.

Off-Rolling

Off-rolling is defined by OFSTED as: *'The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.'*¹⁸

Schools off-roll pupils for several reasons but the practice is largely attributable to challenging behaviour or efforts to improve the school's performance data and league table position, by removing poorly performing students who negatively affect the school's average attainment rates. Off-rolling presents a significant issue to pupils, especially those pupils with behavioural issues or SEND, and is a far greater issue than schools attempting to alter their performance statistics. Off-rolling provides a clear, informal, and simple path for schools to permanently exclude children without following the formal exclusion process.

The most common way in which off-rolling is experienced by Gypsy, Roma and Traveller families is when a school strongly encourages or coerces parents into opting for home education. This can happen for several reasons, such as poor attendance, bullying challenges, difficulties integrating into the school community, staff not understanding GRT families, or frustration with transient Travellers.

To combat this issue, the Traveller Movement recommends that the Department for Education implements a policy which requires schools to centrally report instances when children who are registered at school subsequently opt for home education. Additionally, the reason for opting for home education and the background of the child (race, age, pupil premium, SEND) should also be captured. The policy should also place a duty on schools to ensure that all necessary support is given and disputes resolved so that children are not being withdrawn from school due to a lack of support or engagement from the school.

¹⁸ Dan Owen, *Ofsted*, ['What is off-rolling, and how does Ofsted look at it on inspection?'](#) (2019).

In-School Exclusion Practices Reporting

The use of isolation rooms or internal exclusion is concerning (see section 5.2.) It is paramount that schools monitor how often these provisions are used and ensure that no child is missing more mainstream education than is necessary. It is also vital that safeguards are in place to ensure such practices do not disproportionately affect disadvantaged children or those with protected characteristics. This data must be collected and shared centrally with the Department for Education.

The use of isolation rooms should not be considered as a first resort or used on an ad-hoc basis, and referral to isolation rooms should be subject to a clear escalatory framework. By requiring schools to report on in-school exclusionary practices, it will become clear how often these practices are used, how long for, and which groups of children are most at risk. This policy will also act as a deterrent to schools from using these practices when they are not necessary.

On-Site Inclusion Units

On-Site Inclusion Units (OSIUs) are a form of Alternative Provision for children who do not thrive in mainstream education settings, often located near to the main school.

OSIUs aim to provide necessary resources in an environment with low pupil numbers. They should offer an alternative structure to that of mainstream schools, and include classes on positive behaviour and activities which engage the pupils and allow them time for reflection.

Schools and academy trusts over a certain size should be required to have an OSIU. The government should publish guidance on how schools can establish an OSIU and which good practices should be adopted. It is important that race, ethnicity, gender and Pupil Premium status of each pupil is also monitored and reported.

OSIUs offer an essential Alternative Provision to pupils who are most likely to have poor educational outcomes, to be categorised as disadvantaged, or to come from a protected group under the Equality Act 2010. This includes Gypsy, Roma and Traveller children.

Derby City Pilot

In 2019, a pilot scheme was launched by Derby City Council to significantly reduce the rates of exclusions. This pilot was led by Pauline Melvin OBE (Chair of Trustees at the Traveller Movement and Director of Learning, Inclusion and Skills at Derby City Council).

Under the In-Year Fair Access (IYFA) Agreement, schools are obliged to inform the local authority, the family, and the school's governing body whenever the case for a permanent exclusion is put forward. Following the Governors' approval of a permanent exclusion, the IYFA team must then make a recommendation to a placement panel, consisting of headteachers from other local schools and local authority representatives.

The placement panel will then consider the referral for exclusion to either uphold the decision to exclude, or to inform the school that the exclusion would not be appropriate for a specific reason.¹⁹

Following the implementation of this pilot, the rate of fixed-term and permanent school exclusions in Derby City dropped significantly across both primary and secondary schools. In 2018-19, there were 63 permanent exclusions from secondary schools in the city. After the IYFA scheme was introduced, the number of permanent exclusions decreased to 38 in 2019-20 and just 4 in 2020-21.

A full report and toolkit for local authorities and school will be published in summer 2022.

¹⁹ Derby City Council, '[Secondary Fair Access Agreement 2021-2022](#)' (2021), 21.

Criminal Justice Interventions

Pre-Sentence Reports

Pre-Sentence Reports (PSRs) are written by Probation Officers and help provide judges or magistrates with information about the individual's background, as well as an indication of a suitable sentence appropriate to their offence.

Historically, the majority of PSRs were Standard Delivery format; these are written while courts are adjourned and should draw on detailed interviews with defendants, often conducted in their own homes. Fast Delivery PSRs are prepared on the same day as sentence following a short interview with the defendant. The use of this type of PSR has significantly risen over the last decade.

Fast Delivery PSRs can be disadvantageous for Gypsy, Roma and Traveller defendants if judges and magistrates are unfamiliar with their backgrounds. They are quicker to complete and can exaggerate unconscious biases, potentially resulting in a higher likelihood of a custodial sentence.²⁰

In comparison, the greater time spent writing a Standard Delivery PSR means judges and magistrates should be better able to define need, evaluate underlying reasons for offending, and consider the wider range of sentencing options to help reduce the likelihood of custodial sentences for GRT youth.

A return to Standard Delivery format, where more time is given for interviewing the defendant and ensuring all relevant circumstances are included in the Report, may help reduce the number of custodial sentences given to GRT youth.

²⁰ Napo, ['Parliamentary Briefing: Ministry of Justice Changes to Pre-Sentence Reports' \(2016\)](#).



Alternatives to Custody

In order to help reduce the cycle of re-offending, children should not be sent to prison in the first place. Sentences under six months are known to be an ineffective measure of reducing crime; the traumatic experience of imprisonment often outweighs any beneficial access to rehabilitation or education and, consequently, the likelihood of reoffending is high.

In March 2022, the Scottish government announced that they would “*end the placement of 16 and 17 year-olds in Young Offender Institutions without delay*” and instead will “*fund care-based alternatives to custody and consult on new legislation in Spring 2022.*”²¹

The significance of this is huge and the English government should follow suit. In line with the CAPRICORN public health approach to youth justice, children should not be in prisons.

Instead, alternatives to custody should become the default pathways taken to divert children away from the youth justice estate. Community sentences, Out of Court Disposals (OOCs), educational and care-based interventions, drug and alcohol rehabilitative treatments, and restorative justice programmes can all help tackle youth offending in a child-centred, holistic way. These should be the first point of call for Gypsy, Roma and Traveller children.

Education in Prisons

For children who are already in the justice system, a greater focus on education and vocational training can be transformative. Educational interventions in prisons are particularly important for Gypsy, Roma and Traveller children, who are likely to have below-average educational attainment.

Evidence suggests that engagement with education in prison among GRT young people, is relatively high. In 2019-20, GRT youth were consistently more likely than non-GRT youth to be participating in education, vocational training, paid work, or interventions.²²

Individualised, specific learning plans should be provided to and implemented for all children on entry to the youth estate. Base-level Maths and English courses should be mandatory for children who are assessed to be below Level 2 (or GCSE) standard. For GRT children, this is likely to include BTECs, T-Levels, and other types of vocational and Functional Skills qualifications.

Alongside traditional education and vocational training, it is important for prison staff to discuss career plans and potential future avenues of work with Gypsy, Roma and Traveller children in custody. In this way, GRT children will be better equipped to secure stable employment after release, and reduce their risk of future reoffending.

²¹ gov.scot, [‘Keeping the Promise implementation plan’](#) (2022).

²² HM Inspectorate of Prisons, [‘Children in Custody 2019-20 Appendices’](#) (2021).





The Traveller Movement would like to say
THANK YOU to our funders for their support



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