

# 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

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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# Foreword

Public health and preventative approaches to crime sit at the heart of the Peelian model, which has greatly informed the ethics and framework of the UK's mode of policing since the development of the first formal Police force in the 19th century. Put simply, the Peelian principles show us that the best indicator of a functioning policing and criminal justice model is not the number of people serving prison sentences, but the prevalence of crime.

These principles are important to how the Youth Justice Board operates. We know that alternatives to custody models not only reduce the likelihood of repeat offending but, where properly planned and implemented, can provide children and young people with the skills, experiences, and confidence they need for future employment or study.

But what we also know is that prevention must start earlier than first contact with the criminal justice system. Prison is not the answer to safer communities.

Interventions that take place after children and young people have come into contact with the criminal justice system for the first time are also an important tool in reducing crime rates and rates of imprisonment, but alone they are not enough. For real transformation of the system and for the life chances of people across the country – preventative interventions must begin in the education system, as with other statutory agencies and public bodies.

A significant body of research highlights the strong correlation between school exclusions and later imprisonment here in the UK and elsewhere. This impact is, unsurprisingly, racially and ethnically uneven. This report contributes to this body of research with a much-needed concentration on the effect of the school-to-prison pipeline for young people from Romany Gypsy, Roma, and Traveller communities.

As the Chair of the Youth Justice Board, and as a former police officer, I am all too aware of how preventative approaches to crime can be transformational for young people, their communities, and the wider public; and I recommend that you read this report, it is a valuable contribution to improving the lives of children and safer communities.



**Keith Fraser**  
Chair of the Youth  
Justice Board

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*“For real transformation  
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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.<sup>1</sup>

In 2019-20, nearly 10% of children in the youth estate identified as Gypsy, Roma or Traveller.<sup>2</sup> To put this into perspective, current statistics estimate that GRT people comprise around 0.1% of the UK population.<sup>3</sup> 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.<sup>4</sup> 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.'<sup>5</sup> **An end to the use of exclusion from school will divert children away from the criminal justice system at the earliest possible stage.**

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

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

<sup>3</sup> 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).

<sup>4</sup> 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).

<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> Gypsy, Roma and Traveller communities are overpoliced, particularly those who maintain nomadic lifestyles.<sup>10</sup> 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.<sup>11</sup> 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.

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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).

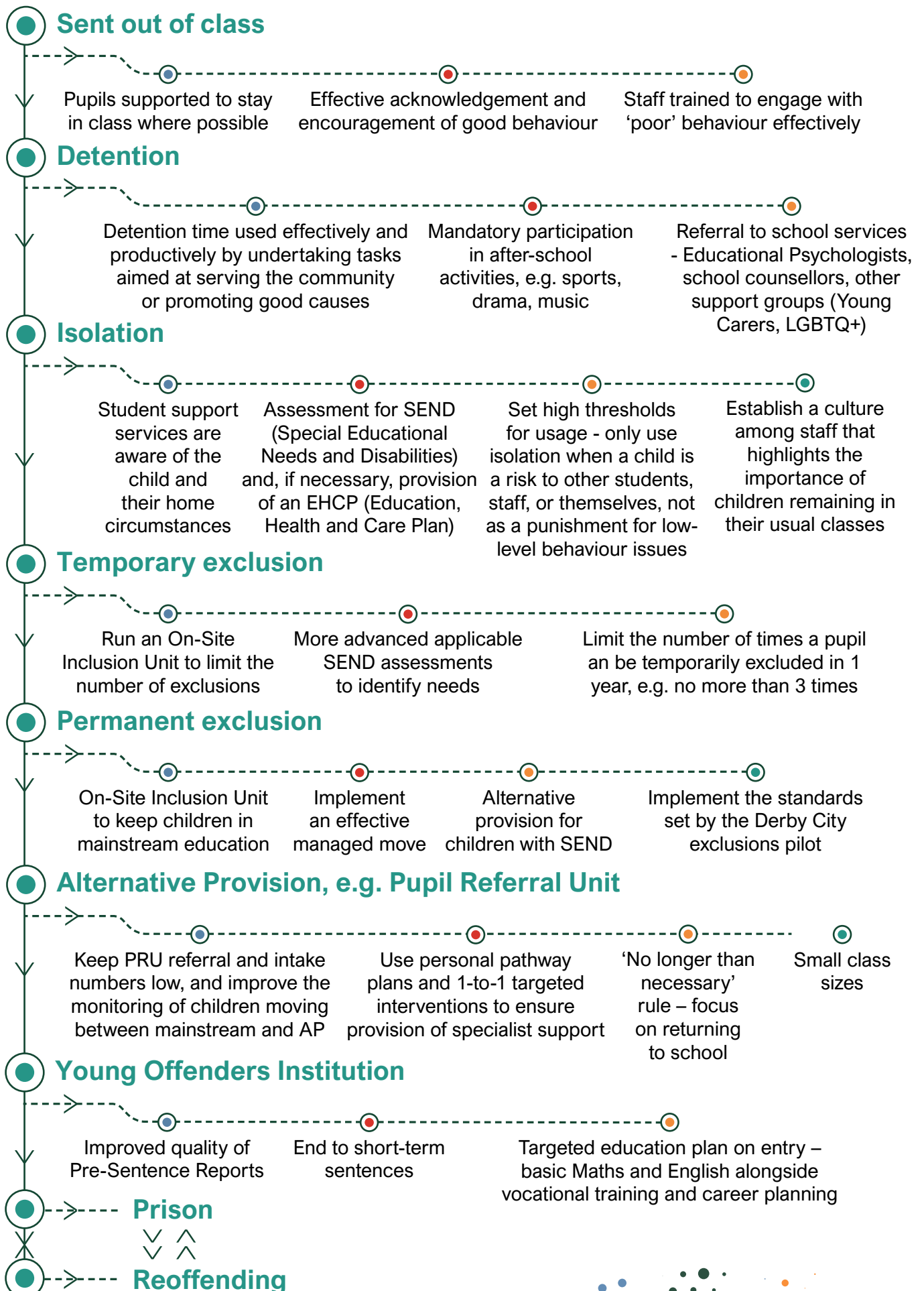
8 United Nations, *Convention on the Rights of the Child*, '[General comment No. 24 \(2019\) on children's rights in the child justice system](#)' (2019).

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 Recommendations

1. The 18+1 ethnicity monitoring system, with clear disaggregation of Gypsy, Roma, and Traveller identities as adopted by the Office for National Statistics for the 2021 Census, should be implemented across both education and criminal justice sectors.
2. The Department for Education (DfE) must develop a statutory framework to ensure that all incidents of racism and racist bullying in schools are monitored, recorded and reported centrally to both the DfE and relevant local authority. The DfE must also ensure a race equality & diversity policy is made a statutory element of the Public Sector Equality Duty for all schools.
3. All schools must have the ability and resources to provide assessment for Education, Health and Care Plans (EHCPs) when requested by a parent or guardian. Annual reviews should be conducted without fail.
4. Local authorities should consider providing base-level EHCP funding to all schools so that schools can securely invest in long-term expenditure, such as specialist staff and equipment.
5. The DfE should require all school and academy trusts to establish an On-Site Inclusion Unit (OSIU). These units should be used as an alternative to isolation rooms, school exclusions, or placement in Pupil Referral Units (PRUs). Statutory requirements and good practice should be established by the DfE and implemented in all eligible schools.
6. Expert headteacher panels should be established to provide final assessments for proposed permanent exclusions, by reviewing decisions made by headteachers and governing panels. These should be implemented via local authority in-year fair access guides and should include all schools, regardless of maintained or academy status.
7. The DfE should develop standardised reporting guidelines for monitoring the use of In-School exclusionary practices. The DfE should also develop guidance for best practice and use of in-school exclusionary practices.
8. Gypsy, Roma and Traveller children should be provided with specific, targeted educational interventions on entry to the youth estate. The Ministry of Justice (MoJ) and Youth Justice Board (YJB) must ensure programmes for Functional Skills in Maths and English programmes can be accessed by all.
9. The MoJ should work to improve the quality of Pre-Sentence Reports, with an aim to return to Standard Delivery as the default format, as these include a thorough risk assessment and detailed sentence plan.
10. Children should not be sent to prison in the first place. The English government should follow the approach of the Scottish government and implement legislation against the imprisonment of children. Instead, the use of community sentences and other forms of diversion are recommended to provide care and support to vulnerable children, and to reduce their likelihood of reoffending. Targeted drug and alcohol rehabilitative interventions must be provided for GRT children with substance misuse issues.
11. The age of criminal responsibility in England and Wales should be raised from ten to fourteen at the minimum, as advised by the United Nations.<sup>12</sup>

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<sup>12</sup> United Nations, *Convention on the Rights of the Child*, '[General comment No. 24 \(2019\) on children's rights in the child justice system](#)' (2019).

# 3. Background: Disproportionalities among Gypsy, Roma and Traveller Youth

## 3.1 Disproportionalities in Education

Gypsy, Roma and Traveller (GRT) youth face several compounding disadvantages within the education system: low educational attainment, high rates of Special Educational Needs and Disabilities (SEND), and a high proportion of both temporary and permanent exclusion.

Data from the Cabinet Office highlights that pupils from a Gypsy, Roma or Irish Traveller background have the lowest educational attainment of all ethnic groups throughout all schooling years.<sup>13</sup> There are many factors which may contribute to the academic underachievement of Gypsy, Roma and Traveller children. These include disrupted educational experiences, the impact of structural and interpersonal racism, parents' educational disadvantage, social and economic disadvantages, health difficulties, extended family demands, lack of cultural sensitivity within the education system, a lack of relatable role models, English as an Additional Language (EAL) issues, accommodation issues, and refugee/asylum issues.<sup>14</sup>

Furthermore, Gypsy, Roma and Traveller children are **five times more likely to be excluded** from school than the wider school population.<sup>15</sup> Gypsy and Irish Traveller youth consistently face the highest rate of school exclusions of all ethnic groups:

In the year 2018-19, Gypsy and Roma pupils faced the highest *temporary* exclusion rates, at 21.26%, followed by Irish Traveller pupils at 14.63%.<sup>16</sup>

Similarly, Gypsy and Roma children were *permanently* excluded at a rate of 0.39%, followed by Irish Traveller pupils at 0.27%.<sup>17</sup>

Gypsy, Roma and Traveller children are more likely than White British children to be diagnosed with Special Educational Needs and Disabilities (SEND). In the year 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.**<sup>18</sup>

Issues with diagnosis for SEND in schools are often a correlating factor in the exclusions process. Further problems, including various cultural barriers, material barriers, prejudice and discrimination, and strict attendance policies and fines, all contribute to a high rate of exclusion or self-exclusion among GRT youth.<sup>19</sup>

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

14 Brian Foster and Peter Norton, 'Educational Equality for Gypsy, Roma and Traveller Children and Young People in the UK', *The Equal Rights Review*, 8 (2012), 85-112.

15 Ellie Mulcahy et al., 'The underrepresentation of Gypsy, Roma and Traveller pupils' (2017), 21.

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

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

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

19 Ellie Mulcahy et al., *King's College London*, 'The underrepresentation of Gypsy, Roma and Traveller pupils in higher education' (2017), 5.



## 3.2 Disproportionalities in the Criminal Justice System

In the 2019-20 Children in Custody report, HM Chief Inspector of Prisons, Charlie Taylor, observed that,

*“Children from a Gypsy, Roma and Traveller background are the most disproportionately represented group, making up nearly 10% of the youth estate despite being a tiny proportion of the overall population of England and Wales.”<sup>20</sup>*

This is a longstanding problem. In 2016, the Traveller Movement published *Overlooked and Overrepresented*, an in-depth analysis of the disproportionate representation of Gypsy, Roma and Traveller children in the youth justice system.<sup>21</sup> Our forthcoming five-year update indicates that the percentage of children who come from Gypsy, Roma and Traveller backgrounds in both Secure Training Centres and Young Offender Institutions has increased in the last five years to 15% and 8% respectively (from 12% and 7%). The already disproportionate population of GRT children within the youth estate continues to grow and this, combined with the increasing rates of GRT exclusion from schools, is alarming.

The intersecting disadvantages faced by Gypsy, Roma and Traveller children in schools are also keenly experienced throughout the pipeline. GRT youth in prison are significantly more likely than non-GRT youth 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.<sup>22</sup> These issues do not occur in isolation, but are interlinked – **disadvantages at school lead to a disproportionate rate of exclusion from school, after which children are more likely to enter the criminal justice system where existing disadvantages are then exacerbated.**

Low educational attainment at school is often an indicator of susceptibility to entering the criminal justice system. Pupils from a Gypsy, Roma or Traveller background have the lowest attainment of all ethnic groups throughout their school years. Gypsy and Irish Traveller communities have the highest percentage of people with no formal qualifications, as well as the highest levels of youth unemployment and economic inactivity of all ethnic groups.<sup>23</sup>

Evidence clearly shows that the educational attainment of children in prison is often well below average. In March 2020, over half of prisoners' initial assessments were at entry level 1-3 (below GCSE level), including Maths (61%) and English (57%). 29% of prisoners who took these initial assessments had a learning difficulty or disability.<sup>24</sup>

These factors cannot be examined in isolation; to do so is to overlook the significance of the school to prison pipeline. The link between disadvantages at and exclusion from school, and the likelihood of entering prison is clear. In 2018, 78% of Gypsy, Roma and Traveller boys in Young Offender Institutions reported that they had ever been excluded from school.<sup>25</sup> The overrepresentation of GRT youth in prisons may be partly explained by low attainment and high exclusion rates, lack of formal qualifications, and economic inactivity. These factors are themselves interdependent: high exclusion rates lead to difficulty obtaining formal qualifications, which subsequently leads to economic exclusion and inactivity.

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<sup>20</sup> HM Inspectorate of Prisons, '[Children in Custody 2019-20](#)' (2021), 4.

<sup>21</sup> The Traveller Movement, '[Overlooked and Overrepresented: Gypsy, Traveller and Roma children in the youth justice system](#)' (2016).

<sup>22</sup> HM Inspectorate of Prisons, '[Children in Custody 2019-20](#)' (2021).

<sup>23</sup> The Traveller Movement, '[Gypsy, Roma and Traveller experiences in Secondary Education: Issues, barriers and recommendations](#)' (2020), p.6.

<sup>24</sup> Ministry of Justice, '[Prison Education Statistics April 2019 to March 2020](#)' (2021).

<sup>25</sup> HM Inspectorate of Prisons, '[Children in Custody 2017-18 Appendices](#)' (2018).

The often-traumatic nature of the exclusions process, combined with the subsequent social isolation that many children experience after exclusion and the often carceral environment of a Pupil Referral Unit (PRU), are all contributory factors to offending. These negative impacts of school exclusions, and the increased vulnerability which accompanies exclusion, may increase susceptibility to criminal activity.

## Recommendation 1

**Ethnicity monitoring systems must be updated and improved** across both education and criminal justice sectors.<sup>26</sup> Currently, most data collection systems do not disaggregate 'GRT' into its respective components: Romany Gypsy, Roma, and Irish Traveller, each of which are separate ethnic groups with distinct needs, histories and cultures. As a result, existing data on the demographics and experiences of Gypsy, Roma and Traveller communities is limited and unreliable. The Traveller Movement strongly recommends the **implementation of the 18+1 ethnicity monitoring system across all institutions and services**, which lists Gypsy, Roma, and Irish Traveller as three separate ethnicities (as categorised in the 2021 Census).<sup>27</sup>

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<sup>26</sup> Currently, most data collection systems do not disaggregate 'GRT' into its respective components: Romany Gypsy, Roma, and Irish Traveller, each of which are separate ethnic minorities with distinct needs, histories and cultures. As a result, existing data on the demographics and experiences of Gypsy, Roma and Traveller communities is limited and unreliable.

<sup>27</sup> Office for National Statistics, '[Ethnic group tick-box prioritisation report for Census 2021 in England and Wales](#)' (2019).



## 4. School Exclusions

In its most simplified form, the school to prison pipeline begins with a child at risk of exclusion from school and ends with a prison sentence. In order to break the pipeline, as it is experienced by Gypsy, Roma and Traveller (GRT) children, it is important to consider why school exclusions take place to determine how they can be prevented.

In most cases of exclusion, children have a history of distressed behaviour or behaviour that is perceived to be 'disruptive'. Schools often manage this by placing children in detention or isolation rooms. For GRT children, however, this behaviour is often a response to incidents of racist bullying or other forms of social exclusion. It is, therefore, critical that suitable interventions are considered which factor in a child's background before an exclusion is considered.

### 4.1 The Impact of Exclusions

According to Cathryn Kirby, Ofsted's regional director for the North East, Yorkshire and the Humber,

*"Schools should only ever use exclusions as a last resort. If not applied properly, being removed from school can disrupt a child's education and affect their future life chances."*<sup>28</sup>

Research consistently indicates the harmful long-term impacts exclusion can cause, particularly on children's mental health. Depression, anxiety, behavioural problems, psychological distress, and an increased likelihood of psychopathology may all be experienced as a direct result of exclusion from school.<sup>29</sup> Furthermore, the link between suspension or exclusion and interaction with the criminal justice system is already well-recognised.

Children who are cautioned or sentenced for an offence are far more likely to have been both suspended and permanently excluded (PEX) from school when compared to other pupils, with the highest levels of exclusion and suspension experienced by children whose offending is prolific.<sup>30</sup>

As argued by the Centre for Social Justice, children who are struggling with poor outcomes at school should not be automatically excluded and referred to Alternative Provision (AP), as their difficulties are *"very often the culmination of years of complex and unresolved personal challenges – both in and out of school – and a lack of early, effective intervention."*<sup>31</sup>

Many children are already struggling by the time they are excluded from mainstream education. They continue to underachieve in AP, as their underlying issues remain unaddressed. To correct this institutional barrier, poor outcomes in school must be considered in their full context and exclusion from mainstream education should no longer be the default response.

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<sup>28</sup> Education Business, 'Ofsted concerned about high exclusions in the North East' (2018).

<sup>29</sup> T. Ford et al., 'The relationship between exclusion from school and mental health: a secondary analysis of the British Child and Adolescent Mental Health Surveys 2004 and 2007', *Psychological Medicine*, 48:4 (2017), 629-641.

<sup>30</sup> Department for Education and Ministry of Justice, 'Education, children's social care and offending' (2022), 22.

<sup>31</sup> The Centre for Social Justice, 'Providing the Alternative: How to transform school exclusion and the support that exists beyond' (2018), 11.

## 4.2 Inequalities among Excluded Children

The overuse of school exclusions disproportionately affects ethnic minority children and children with SEND, increasing their vulnerability and exacerbating disparities. **As of 2017, excluded children are twice as likely to be in care, four times more likely to have grown up in poverty, seven times more likely to have SEND, and ten times more likely to have a recognised mental health problem.**<sup>32</sup> Alarming, analysis from the Institute for Public Policy Research suggests that official data on school exclusions is likely to be a huge underestimation.

The school to prison pipeline affects children of all ethnicities, yet those from the most marginalised ethnic minorities are impacted the most. In 2021, HM Inspectorate of Probation acknowledged that:

*“Black, Asian and minority ethnic children, and those from a Gypsy, Roma and Traveller background, experience unique challenges that may bring some into contact with the criminal justice system, and that the services they receive will not always sufficiently meet their individual needs.”<sup>33</sup>*

The 2017 Lammy Review was a turning point in the way youth involvement in the criminal justice is addressed in the UK, with its analysis of the overrepresentation and adverse experiences of children from a Black, Asian and Minority Ethnic background.<sup>34</sup> Greater awareness of the unique GRT experience of the school to prison pipeline is needed.

## 4.3 Racist Bullying

Casework conducted by the Traveller Movement in recent years has consistently demonstrated a link between racist bullying and school exclusions. The profound, long-term effects of racism in school are demonstrated in new, peer-led needs analysis conducted by the Traveller Movement into economic inclusion.<sup>35</sup>

Many schools lack an effective formal process for combatting racist bullying and so not enough is done to address such incidents; some schools do not recognise race-based bullying of GRT children as instances of racism. As a result, children are often self-excluded. This can occur through persistent non-attendance, parents opting for elective home-education, or exclusion following retaliatory actions to bullying, which has been overlooked by the school. An important step in breaking the school to prison pipeline is to seriously address racist bullying in schools, ensuring that GRT children are supported to stay in education.

By law, schools are required to have a behaviour policy in place to address race-based bullying. Too often, GRT children who experience racist bullying are punished for retaliating; this is due to a lack of effective policy intervention by the school. Schools have a responsibility to safeguard children and address incidents of racist bullying before they escalate to violence but this frequently does not happen.

Schools must publish their equalities information annually to demonstrate compliance with the Public Sector Equality Duty (PSED), and must publish equality objectives at least every four years. However, it is not a legal requirement to record incidents of racist bullying or to implement broader equality and diversity policies. As the government's Equality Act Advice states, previous legislation required schools to “*produce equality schemes in relation to race, disability and gender. Under the [current] specific duties, there are no requirements to create equality schemes.*”<sup>36</sup> This is a significant oversight, which prevents children from accessing schools with a clear ethos and approach to matters of equality.

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<sup>32</sup> Institute for Public Policy Research, ‘[Making the Difference: Breaking the Link Between School Exclusion and Social Exclusion](#)’ (2017), 7.

<sup>33</sup> HM Inspectorate of Probation, ‘[The experiences of black and mixed heritage boys in the youth justice system](#)’ (2021), 14.

<sup>34</sup> David Lammy MP, ‘[The Lammy Review](#)’ (2017).

<sup>35</sup> The Traveller Movement, ‘[Roads to Success for Gypsy, Roma and Traveller Youth](#)’ (2022).

<sup>36</sup> Department for Education, ‘[The Equality Act 2010 and schools: Departmental advice for school leaders, school staff, governing bodies and local authorities](#)’ (2014), 32-33.

A multilevel approach is needed, from local school leadership, through to local authority, charities and the third sector, and up to government level. Equality and diversity policies should be made statutory in schools, with a specific race-centred focus. These are currently not mandatory where there is a clear necessity for this to be so.

There is currently no statutory requirement for schools, academy trusts or local authorities to monitor, record, and report instances of racism or racist bullying in schools. Many institutions have implemented schemes for such monitoring to take place at a local level. This approach is welcome but a lack of clearly defined national frameworks leads to patchy implementation with different institutions working to different systems of accountability. This has created a 'postcode lottery'. The support that children and families can access varies significantly across, and sometimes even within, different geographic areas.

At both the local and national level, policy interventions developed to reduce and eliminate bullying and racism are welcome. If, however, these interventions are not supported by adequate monitoring frameworks, and underpinned by a clearly articulated Equality, Diversity and Inclusion (EDI) strategy, they will ultimately be unsuccessful.

Reliable data on racist incidents in schools is helpful in identifying where policy interventions are needed and which schools need additional support and resources. Crucially, such data collection would create a significantly stronger framework of accountability for school leaders, and would give pupils and their families confidence that their experiences will be taken seriously.

The Department for Education should make the monitoring, recording, and reporting of racism in all schools a statutory requirement.

## Recommendation 2

The Department for Education (DfE) must develop a **statutory framework to ensure that all racist incidents and racist bullying in schools are monitored, recorded and reported** to both the local authority and centrally to the DfE. Clear frameworks establishing the criteria for escalation and/or OFSTED involvement are required.

**Equality and diversity policies should be made statutory in all schools.** The Department for Education (DfE) should oversee their implementation and criteria, and ensure that explicit consideration of Gypsy, Roma and Traveller schoolchildren is included.

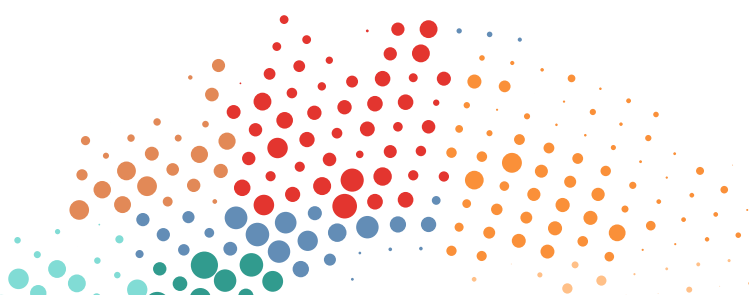
The DfE should provide effective guidance and implementation strategies, and stress the importance of gaining community consensus, to assist schools in meeting their PSED duty when creating existing statutory equality documents.

## Recommendation 3

All schools must have the ability and resources to provide **assessment for Education, Health and Care Plans (EHCPs) when requested by a parent or guardian**. Annual reviews should be conducted on time and updated accurately to reflect any changes required.

## Recommendation 4

Local authorities should consider providing **base-level EHCP funding to all schools**, so that schools can securely invest in long-term expenditure, such as specialist staff and equipment. Currently, funding is provided for individual students which creates funding cliffs when more children with an EHCP leave school than are starting. School-based funding will allow for the development of longer-term planning, to the benefit of schools and students. This funding will also support schools with a higher percentage of EHCP pupils, and subsequently encourage schools with lower EHCP numbers to develop their provision, levelling the provision across the sector.







## 5. Disrupting the Pipeline Before Exclusion

For decades, teachers and school staff have been using the same techniques to control behaviour in schools. This includes giving children detentions or placing them in isolation rooms. There is a paucity of evidence to support the argument that this punitive approach leads to improved outcomes in behaviour. Instead, there has been an increase in the number of children excluded from school, referred to PRUs, and ultimately entering the criminal justice system.

Existing structures of disciplining poor behaviour must be amended to promote the use of supportive practices, which view the child as exhibiting distressed behaviour, rather than a child simply being 'naughty' or 'disruptive'. There is growing understanding and acceptance that behaviour is learned, and that 'criminal' behaviour is often a response to unmet need, distress or trauma. In many scenarios, pedagogic approaches do not reflect this understanding. Interventions which do not acknowledge or seek to address the root causes of challenging behaviour disadvantage the affected child, their classroom peers, and their teacher alike.

Greater individual support for children displaying perceived disruptive behaviour in class, alongside clear acknowledgement of instances of good behaviour, will support children who are struggling in lessons. Changing the dynamic of detentions from traditionally punitive measures to productive activity sessions at the school, such as learning extracurricular skills, allows for a more rehabilitative approach as opposed to punishment.

Disadvantages at school are the first point at which children may be pushed onto the school to prison pipeline. Interventions to prevent children leaving mainstream education via exclusion can divert vulnerable youth away from the criminal justice system at the earliest possible stage.

### 5.1 School Policies and Procedures

The implementation and maintenance of well-structured and functional policies is vital for effective governance in schools. The overarching aim of every school policy should be to establish an inclusive culture, which ensures continued adherence to the Public Sector Equality Duty (PSED) as outlined in the Equality Act 2010.

The PSED requires public bodies to, in the exercise of their functions, have a “*due regard*” to eliminating harassment and discrimination, advancing equality of opportunity, and fostering good relations between different groups with protected characteristics.<sup>37</sup> In practice, this confers on schools a specific duty to produce both equality objectives and equalities information documents. The “*due regard*” to these considerations allows for significant variability and width of interpretation, and thus the equalities objectives and documentation that are produced in each school are not standardised. Often, policies are developed only to satisfy the legal requirement and essentially become a 'box-ticking' exercise, not truly embedded in the school's policies or its wider strategy.

The Public Sector Equality Guidance for Schools in England, produced by the Equality and Human Rights Commission, states that: “*Schools should publish information that demonstrates how they have met the equality duty. This may include school performance data, anti-bullying policies, a school development plan and equality milestones, curriculum materials, governing body minutes, equality training materials, and parent and pupil surveys.*”<sup>38</sup> This guidance presents a much clearer picture of how to effectively set objectives and create documentation. This guidance is not statutory, however, and the standard remains largely unused. There is no effective regulator of the contents of any of the equality objectives and documentation at the school level.

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<sup>37</sup> Ministry of Justice, ‘[Public sector equality duty](#)’ (2012).

<sup>38</sup> Equality and Human Rights Commission, ‘[Public sector equality guidance for schools in England](#)’ (2012), 14.

Equality and diversity policies are non-statutory policies which are implemented by some schools and academies who choose to do so. An equality and diversity policy goes further than the objectives or information as it permits a more diverse approach, enabling a school to establish a clear identity promoting equality and diversity. This policy can also be used to signpost services or link to school procedures which promote inclusion and aim to tackle institutional barriers to education.<sup>39</sup>

There is huge value to be gained from implementing such policies in nurturing an inclusive school environment. The Traveller Movement believes this to be a legislative gap, which should be closed by mandating equality and diversity in schools. This should be accompanied by clear guidance and expectations over the contents, along with a requirement to periodically review community cohesion strategies and seek community consultation on the contents of the policy.

Schools are required to implement a behaviour policy in schools, yet very few policies make suitable reference to race and ethnicity. Casework taken on by the Traveller Movement's Education Advocacy Unit reveals that the racist behaviour of some pupils towards GRT pupils often goes unchallenged. Schools are sometimes unaware that Gypsy, Roma and Traveller people are distinct ethnic groups with protection under the Equality Act 2010. The cumulative effect is that GRT children often feel unwelcome or unsafe in school. This impacts attendance rates and educational attainment, and GRT parents may feel forced to opt for home education for fear of the racist treatment their children may face at school. **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.**

Guidance on exclusions is often produced by schools in their behaviour policies. Exclusions have greater legislative coverage when it comes to their use. Currently, the Department for Education's statutory guidance on exclusions states:

*“The exclusion rates for certain groups of pupils are consistently higher than average. This includes: pupils with SEN; pupils eligible for free school meals; looked after children; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy/Roma; Travellers of Irish Heritage; and Caribbean pupils.*

*In addition to the approaches on early intervention set out above, the head teacher should consider what extra support might be needed to identify and address the needs of pupils from these groups in order to reduce their risk of exclusion. For example, schools might draw on the support...to help build trust when engaging with families from Traveller communities.”<sup>40</sup>*

The DfE is currently consulting on an updated version of this guidance, in which they have proposed the removal of these sections. New guidance, published in January 2022, makes no separate or distinct reference to race or ethnicity, has no context about how race may impact exclusions, and ignores the national issue of the disproportionate exclusion rates faced by GRT children. The omission of this information from the revised guidance would represent a significant regression on the DfE's equality objectives.

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<sup>39</sup> For example, see Fareham Academy, 'Equality and Diversity Policy' (2021).

<sup>40</sup> Department for Education, 'Exclusion from maintained schools, academies and pupil referral units in England' (2017), 11.



Schools should be doing more to promote equality and diversity. This needs to be led from the top: governing bodies, trustees and headteachers must show leadership with the implementation of effective equality policies that are driven by a genuine commitment to increasing inclusion. To assist with this, the government should set out clear recommendations for the contents of all policies which relate to matters of equality and mandate the implementation of Equality and Diversity Policies in schools.

## 5.2 In-School Mainstream Exclusion: Isolation Rooms

Isolation rooms are used to segregate children, who have exhibited behaviour that staff perceive to be poor, from the wider school community. Individual schools or trusts set their own criteria to define poor behaviour and children can be sent to an isolation room instantaneously upon the exhibition of perceived poor behaviour, or prescribed in advance as a punishment.

The primary intended beneficiaries of isolation rooms are the wider school population, in that a child perceived to be disrupting the learning of others is removed from the classroom. Schools also often refer to the use of isolation rooms as an opportunity to provide more specialist resources for the pupil to improve their behaviour.

The Traveller Movement does not oppose the use of isolation rooms, provided they are used correctly and for a suitable reason. Recent casework, however, has shown that isolation rooms are used unnecessarily, to punish children for low-level poor behaviour. For example, if a child forgets to bring their notebook to class and can't purchase a new one, they may end up in the isolation room for the rest of the day. The Traveller Movement has also seen instances where a child is placed in an isolation room for prolonged periods due to teachers refusing to teach them, or when the academic department does not think the pupil is able to continue with the subject.

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.

Risk assessments should be used to balance the right of an individual child to receive their education, against the risk of disruption to the education of the wider school or class. Managing this balance may be challenging, but the rights and benefits of the individual child demonstrating perceived disruptive behaviour must always remain central.

If a risk assessment evidences that the benefit to the class outweighs that of the individual child, or a child is persistently demonstrating perceived disruptive behaviour, other more appropriate measures would be 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.

Isolation rooms are sometimes 'prescribed' in advance. It is rare that this punishment will meet the risk assessment test, which is to ensure the disruption to a pupil's education when access to their usual lesson format is removed, is less than the disruption to the education of their peers when they are present. It is also worth noting, that should this risk assessment still prove that usual lesson format should be removed from a child for a period of time, a more suitable provision should be considered as additional and complex issues may be present, with which the child and their family may require support.

It is important for schools, who find it necessary to use isolation rooms, to operate them in a way that is constructive. The time that each pupil spends in the isolation room should be used to reflect on the reasons why they are there and work to address distressed behaviour. Time should not be spent sitting in silence without engagement, nor should class work be given, as a child who is able to sit and productively work on classwork should be able to do so from their normal learning environment with their teacher and peers.

The Traveller Movement has significant concerns about Gypsy, Roma and Traveller children being placed in isolation rooms away from their peers. This may either be because they have retaliated against racist bullying and harassment that was not effectively addressed by their school, or because they have experienced bias (either conscious or unconscious) where staff have prejudices about GRT children and their perceived propensity towards criminality and violence.

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. It is important to re-state that the use of isolation rooms should be ultimately for the protection, safety and wellbeing of the wider school community and should only ever be used with the approach that this intervention should last no longer than necessary.

## 5.3 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.’*<sup>41</sup>

Off-rolling is an unlawful but often subtle practice which is difficult to capture in data. For example, it may ‘present’ as a parent opting for home education. Data on home education, and the reasons for home schooling, are not recorded centrally. 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.

A recent report conducted by YouGov on behalf of OFSTED demonstrated a lack of understanding in schools about what off-rolling is, as there are perceived overlaps between off-rolling and other legitimate practices, such as parents opting for elective home education. Concerningly, 62% of teachers who had encountered off-rolling felt their schools had pressured parents to accept their child being off-rolled, despite the fact that schools are not able to off-roll children without a parent opting for home education expressly in writing. Additionally, 64% of teachers said that off-rolling happened either a lot, or a fair amount. Pupils with behavioural problems were found to be the most likely to be off-rolled, with 87% of teachers who had witnessed off-rolling identifying behavioural problems as a factor.<sup>42</sup>

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.

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<sup>41</sup> Dan Owen, *Ofsted*, [‘What is off-rolling, and how does Ofsted look at it on inspection?’](#) (2019).

<sup>42</sup> YouGov, *Ofsted*, [‘Exploring the issue of off-rolling’](#) (2019).





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. This policy will only apply to children who have been enrolled at a school, not to children who have always been home educated. In no way would this prohibit or restrict the right of parents to home educate their child. It is important for the government, local authorities and charities to see where and why children are leaving formal school-based education, given the reported prevalence of this issue and the ease with which it can be abused by schools.

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. Centrally-collected elective home education figures should be viewed similarly to those of permanent exclusions (PEX), because the potential for off-rolling to be used within the elective home education system is too great an opportunity for schools to avoid PEX. The policy is ultimately about protecting the rights of marginalised and vulnerable groups of children to have access to good education, without interference or hindrance.

## 5.4 In-School Exclusion Practices Reporting

In addition to instances of off-rolling, which involve a child being removed from school altogether, attention needs to be given to the central reporting of practices which exclude children from mainstream education within the school grounds.

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.

Isolation rooms are regularly used to circumnavigate fixed-term exclusions. Whilst it is commonly believed that the use of isolation rooms is better than temporarily excluding a child from school, it is still a process which removes access to mainstream education and causes a child to be excluded from their peers and usual structured learning environment. 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.

## 5.5 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. OSIUs are established and run by community schools. They are often located near to the main school but are far enough away from the noise and disruptions associated with large school sites. 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.

OSIUs differ from Pupil Referral Units (PRUs) in that they operate on the main site of schools. Pupils who attend them would usually have existing bonds with staff and an established school-based support network. The location of OSIUs is key, as they should better support students' effective reintegration into mainstream learning. The pupil ideally can divide their timetable between the unit and mainstream classes once some improvement has been made. They may also help reduce

the child's risk of feeling further marginalised, as they are not put in a situation where they have to attend a new school and form new relationships. Pupils who are sent to PRUs, even for a short time, often feel as if they have been excluded and no longer accepted in their school community. In turn, this makes reintegration a more difficult process.

A child's successful engagement with mainstream education can be disrupted for several reasons. Firstly, a child may exhibit behaviour that is perceived to be poor or distressed. This could be the result of bullying or harassment (at or outside school); exposure to Adverse Childhood Experiences (ACE); a change in home circumstances (for example, parents may be separating or divorcing); a new and undiagnosed medical condition or Special Educational Need and Disability (SEND). Secondly, the support needs of a child with SEND may change, requiring further intervention in a different setting, such as an OSIU. This should only be used if the child's SEND do not meet the threshold of a special school placement, or when parents request to keep their child in mainstream education.

It is important that OSIUs follow principles of good practice. Currently these are not provided by the Department for Education and often rely on staff developing their own practices. If used effectively, OSIUs can assist schools to meet the following aims:

- Reducing rates of fixed-term and permanent exclusions.
- Improving attendance rates and persistent absenteeism rates.
- Improving attainment rates across key stages.
- Supporting vulnerable or distressed pupils.
- Improving staff and pupil attitudes towards the learning environment.
- Supporting learning and emotional wellbeing consecutively.
- Assisting in the delivery of the school's behaviour policy.
- Contributing to the whole-school improvement plan.
- Supporting integration and reintegration of pupils into mainstream school.

Schools and academy trusts over a certain size should be required to have an OSIU. The number of places available should be related to their published admission number (PAN); for example, schools may have one OSIU place for every hundred pupils. Smaller schools with a low PAN should nominate a school in the local area to host an OSIU, with the other schools contributing to the associated costs.

The government should publish guidance on how schools can establish an OSIU and which good practices should be adopted. Success rates should be monitored by reporting on the number of pupils placed, as well as the number of pupils who return to mainstream education. Race, ethnicity, gender and Pupil Premium status of each pupil should also be monitored and reported. In addition, the reporting requirements for PRU admissions and exclusions should be adapted to include children who have previously attended an OSIU and they should be assessed by OFSTED as part of any periodic school inspection.

Since academisation, schools tend to hold more reserve cash and have an annual surplus. OSIU provision should be considered part of the ordinary operational costs of any school and schools should prioritise existing funds to ensure an OSIU is established as part of their provision. For schools who have had a deficit for at least two years and who hold no reserves, the government should make specific funding available to ensure an OSIU is established, regardless of the school's financial status.

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.

## 5.6 Derby City Pilot

In 2019, the Timpson Review of School Exclusion assessed the use of exclusion and examined why some groups of pupils are more likely than others to be excluded.<sup>43</sup> The Review had several important findings, yet lacked a robust national implementation strategy. In response, 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. This is accepted as a standard practice across local authority education protocol. The Derby City Pilot builds on this practice. Following the Governors' approval of a permanent exclusion, the IYFA team must then make a recommendation to a placement panel. This panel consists of eight headteachers from other local schools, as well as representatives from the local authority and other education related services. 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.<sup>44</sup>

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. This drastic drop may partly reflect the impact of virtual schooling during the national Covid-19 lockdowns as children spent several months away from the classroom, yet the effectiveness of the exclusions pilot in Derby City is still clear as the phased return to the classroom has taken place. The pilot demonstrates that the introduction of an independent monitoring panel can reduce the rate of permanent exclusions and ensure that exclusions are only upheld when absolutely necessary. The Traveller Movement recommends a national expansion and implementation of the Derby City IYFA pilot scheme to reduce permanent exclusions, with elimination as the long-term outcome. Reductions of exclusions to zero will reduce disproportionalities in education and divert Gypsy, Roma and Traveller children away from the school to prison pipeline.

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

## Recommendation 5

**The use of On-Site Inclusion Units (OSIUs) should be made mandatory in schools as an alternative to exclusion. Government guidance on best practice for OSIUs should be published**, with attendance rates, success rates, and individual child characteristics, such as race, monitored and reported centrally to the DfE. Where possible, schools should allocate existing resources and funding to set up and maintain an OSIU. Schools without financial reserves should receive government funding specifically for the establishment of an OSIU.

## Recommendation 6

**Local monitoring panels for proposed permanent exclusions should be introduced and implemented nationally.** This would mimic the Secondary Placement Panel in the Derby City pilot, whereby headteachers and experts in the local area examine the case for a permanent exclusion and decide whether it is both necessary and appropriate. In this way, the use of school exclusions will be vastly reduced, if not stopped altogether.

## Recommendation 7

The DfE should develop **standardised reporting guidelines for monitoring the use of In-School exclusionary practices**. The DfE should also develop guidance for best practice and use of in-school exclusionary practices.

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<sup>43</sup> Secretary of State for Education, 'Timpson Review of School Exclusion' (2019).

<sup>44</sup> Derby City Council, 'Secondary Fair Access Agreement 2021-2022' (2021), 21.





## 6. Alternative Provision and Pupil Referral Units

Alternative Provision (AP) is education provided by local authorities for children who, for many reasons, do not thrive in mainstream schools. This may be because they have been excluded, are a new starter awaiting transfer to a mainstream school, have a short-term or long-term illness which prevents them from learning in mainstream education settings, or need a higher level of support than can be provided in mainstream schools. Alternative Provision is most commonly delivered in Pupil Referral Units (PRUs), which are standalone sites with full staff and management teams, but AP also refers to Special Schools where children with Special Educational Needs and Disabilities (SEND) are educated.

### 6.1 Compounding Effects of Alternative Provision

The lack of a centralised, standardised system for entry into and retention within Alternative Provision institutions means that many children effectively fall 'through the cracks' and become more vulnerable. The process for ensuring children attend AP after exclusion is poor. In general, children and parents have no say in where a child is sent following permanent exclusion. The decision is made by the school or local authority, depending on the nature and length of exclusion, and is impacted by financial considerations and availability of suitable provision.<sup>45</sup>

In 2020-21, there were 348 PRUs in England with around 12,800 students, most of whom were boys. 53.1% of students at PRUs were eligible for free school meals, in comparison to 20.8% of the overall school population. Evidently, poverty is a driver for children entering PRUs.

**Alternative Provision institutions are characterised by poor educational outcomes. 94% of GCSE-age students at mainstream or special schools progress to sustained education, employment or training destinations, in comparison to just 57% of those from alternative provision institutions.**<sup>46</sup> This poor educational attainment, combined with the other intersecting disadvantages faced by Gypsy, Roma and Traveller youth, both contribute to and increase existing ethnic inequalities.

According to the abolitionist grassroots organisation No More Exclusions, *"Alternative provision settings are educational spaces that are not equivalent in educational value to the mainstream, despite the fact that they cost substantially more."*<sup>47</sup> Evidence submitted to the Education Select Committee in 2017 revealed that PRUs were originally intended to be short-term educational provision institutions, where children would re-enter mainstream education after a period of time in an off-site setting. In reality, most are *"longer-term and reactive"* as mainstream schools tend to show reluctance in reintegrating students who may *"revert to type"*.<sup>48</sup>

As No More Exclusions argue, the ideal learning environments of AP – specialised, pupil-orientated and individualised support – demonstrate that there is already a recognition of how vulnerable children can best be supported. This begs the question why similar measures, including smaller class sizes and specialised learning support, are not provided in mainstream schools as a means of avoiding exclusion.<sup>49</sup> **GRT students in particular, who are more likely than non-GRT children to have SEND and learning disabilities, would benefit from the provision of this specialist support in mainstream schools before escalation to exclusion.**

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45 House of Commons Education Committee, ['Forgotten Children: alternative provision and the scandal of ever increasing exclusions: Fifth Report of Session 2017-19'](#) (2018), 15.

46 Education Select Committee, ['Successful outcomes and destinations'](#) (2018).

47 No More Exclusions, ["'What About the Other 29?' And Other FAQs"](#) (2022), 26.

48 Education Select Committee, ['Written evidence submitted by SSCYP'](#) (2017).

49 No More Exclusions, ["'What About the Other 29?' And Other FAQs"](#) (2022), 27.



## 6.2 Gypsy, Roma and Traveller Experiences of Pupil Referral Units

The formal process of exclusion can be traumatic for the children and families involved, particularly when this is followed by transfer to a Pupil Referral Unit (PRU). Many parents, especially those from a Gypsy, Roma or Traveller background, associate PRUs with negative connotations and consider them to be sites of punishment for disobedience and misbehaviour. It is not uncommon, therefore, for parents to keep their children at home, rather than send them to a PRU or other types of alternative provision (AP), thus keeping them out of formal education altogether. This can have hugely damaging effects on children's wellbeing and development.

Gypsy, Roma and Traveller children comprise 0.4% of the UK school population as a whole, yet constitute 1.3% of children at PRUs.<sup>50</sup> As GRT children face the highest school exclusion rate of all ethnic groups, it is possible that this figure is an underestimate. This may partly be explained by poor ethnic monitoring data frameworks, as well as the hesitancy of parents to send their children to institutions perceived to be punitive and harmful to their child. If children have been pushed out of their usual school institutions due to difficulties in the classroom and/or racist bullying, **GRT parents understandably view PRUs with a high level of mistrust and concern for the wellbeing of their children.**

*“As an education case worker at the Traveller Movement, I have frequently discussed pupils’ options when facing a permanent school exclusion. On numerous occasions, Mums would prefer their child be home educated, rather than sent to a Pupil Referral Unit (PRU). Most Traveller mothers perceive PRUs to be dangerous, or hostile places that breed criminality. One mother referred to it as the place where “naughty children are sent”, and refused to send her son there to avoid him being caught up in criminality. Another mother compared her local PRU to a prison. She said “they have guards at the entrance, locks on gates and buzzers to let you in and out”. She ultimately didn’t believe her son would be safe there. In both scenarios, both mothers felt no education was better than attending a PRU. There was also a perception – and evidenced by Ofsted reports – that PRUs provided poor quality of education, but the resounding fear factor for sending children to a PRU was to prevent them being caught up in criminality.”*

Education Caseworker, The Traveller Movement

Greater communication and engagement with Gypsy, Roma and Traveller communities may help improve negative views about PRUs and other AP amongst GRT parents. It should be acknowledged, however, that these negative perceptions are not unfounded because evidence shows that students placed in PRUs and AP have lower educational attainment.

Furthermore, there is a need for improved monitoring of children who leave mainstream education, to ensure they receive the support they need while in non-mainstream educational settings.

Alternative Provision and PRUs should be regarded as a temporary measure, with the aim of returning the child to mainstream school as soon as possible. This will help to divert Gypsy, Roma and Traveller children from the school to prison pipeline by ensuring that they are not kept out of mainstream education for any longer than necessary. Furthermore, one-on-one targeted interventions and specialised support should be provided for all children in Alternative Provision settings, including in PRUs.

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<sup>50</sup> In comparison, White British children comprise 64.9% of the general school population and 71.4% of PRU populations. See: gov.uk, '[Schools, pupils and their characteristics](#)' (2021).

## 7. Disrupting the Pipeline After Exclusion

Keeping children in mainstream education and avoiding the use of permanent exclusions is key to breaking the school to prison pipeline. Nevertheless, it is important to interrupt the pipeline at all points, including post-exclusion.

As discussed in Section Five, targeted educational interventions and individual specialist support can help children in Alternative Provision settings and Pupil Referral Units to continue working towards formal qualifications and support their return to mainstream education. Similarly, accessible and effective education provision in prison can be hugely beneficial for Gypsy, Roma and Traveller children in custody, and can help to reduce their likelihood of reoffending.

Educational interventions are an important means of breaking the school to prison pipeline but are not the only way to divert children away from the criminal justice system. Reforms in the way youth sentencing is approached, and a commitment to end the imprisonment of children under the age of eighteen, can disrupt the school to prison pipeline by diverting vulnerable children away from the criminal justice system.

### 7.1 Pre-Sentence Reports

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

PSRs include an interview with the defendant and are either a Standard Delivery (used for more serious cases) or Fast Delivery (used for low- or medium-serious cases) format.

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, as the Lammy Review indicates.<sup>51</sup>

This increased use of 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.<sup>52</sup> 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.

Fifteen magistrates' courts began an Alternative Delivery Model pilot for PSRs in May 2021. The pilot encourages the use of Before Plea PSRs (similar to Standard Delivery) and delivers targeted training to improve the quality of PSRs delivered on the day.<sup>53</sup> At the time of writing, no evaluation has yet been published, but the Traveller Movement welcomes this move to improve the quality of information provided before sentencing.

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<sup>51</sup> David Lammy MP, ['The Lammy Review'](#) (2017), 35.

<sup>52</sup> Napo, ['Parliamentary Briefing: Ministry of Justice Changes to Pre-Sentence Reports'](#) (2016).

<sup>53</sup> Ministry of Justice, ['Pre-sentence report pilot in 15 magistrates' courts'](#) (2021).



## 7.2 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.

According to Dame Glenys Stacey, the Chief Inspector of Probation in 2016-19, short-term sentences result in “*individuals [being] locked in an expensive merry-go-round of criminal justice processes*”.<sup>54</sup> Children face the highest level of reoffending in the entire criminal justice system, particularly among those serving short sentences, whereas community sentences are significantly more likely to reduce reoffending.<sup>55</sup>

In December 2021, the Chief Inspector of Prisons for Scotland called for an end to the imprisonment of children under the age of eighteen in Scotland. In her letter to the Cabinet Secretary for Justice, Wendy Sinclair-Gieben identified “*three clear imperatives – legal, political, and moral – for removing children from prison custody*”. In response, the Scottish government announced at the end of March 2022 that they will “*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*.”<sup>56</sup>

The significance of this is huge. Not only does this recognise that the distinction between children who commit offences and vulnerable children in need of support and protection is “*of little practical significance*”, but also demonstrates a formal commitment to diverting children away from the criminal justice system.<sup>57</sup> If the English government follows suit, the number of children, and subsequently adults, in custody would significantly reduce. Consequently, the overrepresentation of Gypsy, Roma and Traveller children in the justice system would lessen and these stark ethnic disparities would be partly alleviated. In line with the CAPRICORN public health approach to youth justice, children should not be in prisons.

Alternatives to custody can take a variety of forms. In comparison to custodial sentences, community sentences are more effective in terms of both cost and reoffending rates. In 2018-19, the Ministry of Justice estimated that the average annual cost of prison per prisoner was £41,136.<sup>58</sup> This is likely to have increased in the last three years due to inflation. In comparison, the most expensive community sentence is under £5000.<sup>59</sup> Community sentences are also more likely to reduce the likelihood of reoffending than short-term custodial sentences.<sup>60</sup>

Similarly, Out of Court Disposals (OOCs) are efficient methods of resolving crime before it goes to court and largely encompass community resolutions, cautions, and Fixed Penalty Notices. Currently, there are large regional variations in the use of OOCs and there is a lack of scrutiny applied to the decision-making process.<sup>61</sup> Improved guidance, training and scrutiny around the issuing of OOCs would ensure more consistent use and, in turn, help to disrupt the school to prison pipeline by diverting vulnerable children away from custody.

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54 HM Inspectorate of Probation, ‘[Post-release supervision for short-term prisoners: The work undertaken by Community Rehabilitation Companies](#)’ (2019), 4.

55 Home Office, ‘[Youth measures in the Police, Crime, Sentencing and Courts Bill: Equalities and Impact Assessment](#),’ (2021).

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

57 Stewart Asquith (ed.), *Children in Society Series*, ‘[The Kilbrandon Report](#)’ (1995), 8.

58 Ministry of Justice, *HM Prison & Probation Service Annual Report and Accounts 2018-19*, ‘[Costs per place and costs per prisoner](#)’ (2019).

59 Sophie du Mont and Harvey Redgrave, *Crest Advisory*, ‘[Where did it all go wrong? A study into the use of community sentences in England and Wales](#)’ (2017), 9.

60 Audit Scotland, ‘[Community justice: Sustainable alternatives to custody](#)’ (2021), 8.

61 Cerys Gibson, *Sentencing Academy*, ‘[Out of Court Disposals: A review of policy, operation and research evidence](#)’ (2021), 2.

Other alternatives to custody include educational, rehabilitative, and care-based interventions. For Gypsy, Roma and Traveller children who often have poor educational attainment, access to targeted tutoring and education can be an effective diversion away from the youth estate. The Traveller Movement's sister organisation, [Open Doors Education and Training](#) (ODET), was formed during the first national lockdown in 2020 to provide online tutoring and Functional Skills training for at-risk Gypsy, Roma and Traveller children. ODET students are provided with individual support, professional tutoring, online training, and career guidance. Educational interventions, such as ODET, help to provide children and young people with valuable skills and experience to seek employment or enter higher education. In this way, the likelihood of committing a first-time offence or reoffending is reduced, as children are equipped and empowered to follow alternative routes, away from the criminal justice system.

Alcohol and drug rehabilitative treatments are crucial for children who suffer from addiction or issues with substance misuse. In 2019-20, 11% of Traveller children in Young Offender Institutions said that they had an alcohol problem when they arrived, compared to 5% of non-GRT children. Concerningly, 40% of GRT youth reported a drug problem, in comparison to 18% of non-GRT youth. Of those GRT children with a drug or alcohol problem, less than 2/3 reported that they had been helped with these issues since arriving at their YOI.<sup>62</sup> This is unacceptable. Targeted drug and alcohol rehabilitative interventions are essential for children who suffer from addiction or substance misuse issues, which are risk factors for future reoffending. Clearly, GRT children are more likely to have specific needs and health-related issues, including addiction, which may contribute to offending and reoffending patterns. Providing at-risk or struggling Gypsy, Roma and Traveller children with necessary rehabilitative treatment can tackle underlying problems, improve health outcomes, and disrupt the school to prison pipeline by offering a vital alternative to custody.

## 7.3 Education in Prisons

For children who are already in the justice system, a greater focus on education and vocational training can be transformative. Working towards traditional qualifications, including Maths and English, is important for children in the youth estate; purposeful activities are positively correlated with good mental health and increase the likelihood of securing employment upon release.

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. Furthermore, nearly two-thirds of GRT respondents (to the HMIP Children in Custody Survey, 2019-20) felt the education or skills they had learned at their institutions would be helpful after release, in comparison to less than half of non-GRT youth.<sup>63</sup>

The Traveller Movement recommends the provision and implementation of individualised, specific learning plans 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.

Provision of vocational training, alongside traditional English and Maths education, will help encourage GRT youth to engage in purposeful activity. Learning key skills and gaining valuable work experience is vital for children who may lack formal qualifications as this increases their likelihood of securing stable employment upon release.

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62 HM Inspectorate of Prisons, '[Children in Custody 2019-20 Appendices](#)' (2021).

63 HM Inspectorate of Prisons, '[Children in Custody 2019-20 Appendices](#)' (2021).

Sue McAllister CB, the Prisons and Probation Ombudsman and former Director General of the Northern Ireland Prison Service, reflected on the positive impact of a [pop-up café in Hydebank Wood YO1](#), the first of its kind.

*“We opened a pop-up café working with young men in custody. These young men, most of whom had been written off by the school system, and, often, by society more generally, were full of energy and enthusiasm for the project. They learned to cook, prepare food, do front of house and do all the admin for the café. They responded to the trust and confidence we had in them and they showed us, and others, how much talent and potential is written off needlessly and how much those we label as ‘lost to the system’ have to offer.*

*Prisons try to ‘fix’ the people who arrive at the gate unable to read and write and many of those working in prison education deserve to be commended for what they achieve. But, by the time someone comes to prison, it is usually far too late to put right the damage that has been done. **A focus on early years, a move away from ‘one size fits all’ learning in schools and a recognition that we are losing so much talent and potential would make so much more sense and address the ‘inevitability’ of the school to prison pipeline for these young people.**”*

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.

Within GRT communities there is a strong tradition of self-employment and family business, which often tends to involve manual labour, often erroneously referred to as ‘unskilled’ work. In the last decade, the “*changing patterns of labour demand [and] the formalisation of previously flexible forms of work*” have negatively impacted the working lives and patterns of GRT communities.<sup>64</sup> It is therefore important for young Gypsies, Roma and Travellers to consider their future careers and which sectors or types of work they may wish to pursue. In this way, GRT children will be better equipped to secure stable employment after release, and reduce their risk of future reoffending.

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64 David Smith and Margaret Greenfields, ‘[Housed Gypsies and Travellers in the UK: Work, Exclusion and Adaption](#)’, *Race & Class*, 53:3 (2012), 48-64 (61).



## Recommendation 8

Individualised, realistic and collaborative learning plans are recommended for all children on entry to the youth justice estate. **Gypsy, Roma and Traveller children should be offered targeted educational interventions** to increase educational attainment and reduce ethnic disparities. These may include access to (and completion of) BTECs, T-Levels, or other vocational and functional skills qualifications. **Base-level Maths and English provision should be a requirement in all youth institutions** so that young people are better equipped to find employment on release from prison.

## Recommendation 9

The use of Fast Delivery or Oral Pre-Sentence Reports (PSRs) in court, which are prepared on the same day as sentencing, should be limited. These can be disadvantageous for people with specific needs and backgrounds that judges and magistrates may be unfamiliar with. This can result in an increased likelihood of a custodial sentence for those from marginalised backgrounds.<sup>65</sup> Instead, **Standard Delivery Reports should be the default format for PSRs**, as these include a thorough risk assessment and detailed sentence plan.

## Recommendation 10

Children should not be sent to prison in the first place. The Scottish government recently pledged to end the imprisonment of under-18s in Young Offender Institutions and will consult on new legislation on care-based alternatives.<sup>66</sup> The UK government should follow this approach and **implement legislation against the imprisonment of children.**

Other methods of rehabilitation (such as community sentences, out of court disposals, restorative justice, drug or alcohol treatment interventions, and educational interventions) can improve outcomes and help prevent children and young adults becoming trapped in a cycle of reoffending.<sup>67</sup> These should be treated as the default interventions.

## Recommendation 11

The age of criminal responsibility in England and Wales should be raised from ten to fourteen at the minimum, as advised by the United Nations. The frontal cortex in the brains of children under the age of fourteen is not fully developed, meaning they are unlikely to fully understand the impact of their actions or understand complex criminal proceedings.<sup>68</sup>

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65 Napo, 'Parliamentary Briefing: Ministry of Justice Changes to Pre-Sentence Reports'

66 gov.scot, 'Keeping the Promise implementation plan' (2022).

67 gov.scot, Policy, 'Reducing reoffending: Community sentencing' (2020).

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



## 8. Conclusion

It is evident that the pipeline between school exclusion and the criminal justice system is most keenly experienced by Gypsy, Roma, and Traveller youth. Disproportionately excluded from schools and overrepresented in the youth estate, young people from GRT backgrounds face intersecting, compounding disadvantages at every stage of the pipeline.

In order to break this cycle efforts must be made to interrupt the pipeline at each stage. Keeping GRT children in mainstream education and reducing the vast ethnic disparities in school exclusions must be essential priorities. The effectiveness of pilot schemes in schools to tackle the overuse of permanent exclusion has been proven and these strategies should be implemented nationwide. There must also be greater commitment to equality policies within schools and incidents of racist bullying must be tackled through formal processes, as opposed to an ad hoc basis which often escalates to responses of physical violence and subsequently exclusion.

The failure to effectively monitor and support children who are pushed out of the mainstream schools into alternative provision institutions is evident in the experiences of young GRT people, whose communities view these settings as dangerous and criminalised. This can change. The right support, including informed and individualised learning plans for those in alternative provision institutions and one-on-one supervision alongside small class sizes, will ensure that young Gypsies, Roma and Travellers who have left the education system can be diverted away from the criminal justice system. Furthermore, targeted education and training should be tailored for GRT children already in the youth estate to ensure that the likelihood of securing employment post-release is as high as possible; thus diverting away from patterns of reoffending.

Further interventions in the youth justice system can reduce the number of Gypsy, Roma and Traveller children in Young Offender Institutions. An improvement in the quality of Pre-Sentence Reports, or ideally a return to the Standard Delivery format as the default, may increase the likelihood of community over custodial sentences. Ending the imprisonment of children under the age of eighteen would also prevent cycles of reoffending, meaning vulnerable youth can be diverted from the pipeline's loop of release and reimprisonment. Care-based interventions, which provide support and protection for at-risk youth, are a far more effective means of reducing reoffending rates and also help to reduce the disproportionate representation of GRT youth in the justice system.

Diversion from the school to prison pipeline can occur at all stages and important interventions can be made both before and after permanent exclusion from school. The most effective means of interrupting this path, however, lies at the very beginning. Without exclusions children would not be pushed out of mainstream education, would be better equipped to maintain a stable employment and socio-economic status and, as a result, would be considerably less likely to enter the criminal justice system. Exclusion from school is a punitive, regressive method of discipline which is ineffective in tackling the root causes of misbehaviour and disruption in school. Instead, as the Derby City pilot demonstrates, greater examination and monitoring of the school exclusion process shows that most permanent exclusions are an unnecessary step which merely increases the vulnerability of marginalised youth. For Gypsy, Roma and Traveller children, putting an end to school exclusions would disrupt the school to prison pipeline at its root and help to prevent entry into the criminal justice system, thus significantly reducing the overrepresentation of GRT people in both the youth and adult estates.

At the other end of the pipeline, an end to youth imprisonment and greater investment in diversionary routes would prevent children becoming stuck in cycles of reoffending and re-entry into the prison estate. Children do not belong in prison. Instead, alternatives to custody and rehabilitative/care-based interventions must become the default.









The Traveller Movement would like to say  
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