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'IT'S IN THEIR CULTURE': WORKING WITH AUTOMATIC PREJUDICE TOWARDS GYPSIES, ROMA AND TRAVELLERS DURING CARE PROCEEDINGS

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Abstract

Automatic prejudice is a term that could be used to describe the processes and phenomena of unwitting discrimination towards the 'conceptual Gypsy'. Where specific education and training has not been provided, there exists evidence to suggest that some decisions made during care proceedings can be informed by unreflected presuppositions. In these cases, decisions are often justified against pathologising or cultural relativist reactions toward a conceptual 'Gypsy' culture. In an attempt to reduce the opportunities for automatic prejudice, this paper will briefly show how socio-political discourse has cemented automatic discriminatory attitudes towards Gypsies, Roma and Travellers as a socially acceptable bastion of racism. In specific relation to care proceedings, this paper will argue that the potential influence of automatic prejudice on the decision making process requires children's guardians, family court advisors and social workers to ensure that any order given, or placement type considered, accurately reflects the realities and lived experiences of the child, and is not influenced by recommendations which might otherwise be indicative of unreflected examples of reciprocated fear between professionals and the community of Gypsies, Roma and Travellers themselves.

Introduction

As a community of people subjected to the label 'hard to reach', Gypsies, Roma and Travellers are often (mis) represented as marginal in many different ways. In care proceedings, any opportunity for marginality signifies a clear paradox. On one hand, due to their experiences of multi-dimensional and trans-generational discrimination, Gypsy, Roma and Traveller people might require examples of specifically tailored systems of inclusion; on the other hand, they are considered a 'fringe' group, thus implying that the courts might not be well equipped to work with or include them in an equal way.

The consequence of this paradox is evidenced in a number of Serious Case Reviews (Oulton, 2008; Bromley Safeguarding Children Board (BSCB), 2014; Harrington, 2014; Johnson, 2014; Eades, 2015). Taken together, they indicate that social work practice with Gypsies, Roma and Travellers people can be driven by oscillating examples of discrimination which, underpinned by unhelpful value judgements, including the words 'it's in their culture', can lead to inconsistency or delays in work needed to bring the care proceedings into court. Whilst care proceedings should include careful consideration of the child's best interests, emerging evidence suggest that decisions do not always achieve this and are instead made in one of two ways (BSCB, 2014; Harrington, 2014).

Firstly, decisions can be justified by what might be considered as being consistent with pathologising reactions. In care proceedings children can be separated from their families and communities in the belief that the conceptual Gypsy, Roma or Traveller 'culture' is the primary object of concern (Allen, 2012). In these circumstances there might only be a cursory effort to identify and develop friends and family placements, arguably in contravention of those policy concordats which require

children to be placed with a family best suited to nurture and promote their cultural identity. As reported by Pemberton (1999), O'Higgins, (1993), European Roma Rights Centre (ERRC, 2011) and Allen (2012; 2015), the consequence of such pathologising reactions can operate significantly to the detriment of the child's emotional health and wellbeing. In many cases children who are wrenched from their cultural milieu can reject the care system, and those around them, to seek security, permanence and sense of self elsewhere. For many Gypsy, Roma and Traveller children, the experience of growing up in a transracial placement can lead to experiences of grief, separation and loss which endure well beyond the period of childhood itself.

Research also shows that Gypsy, Roma and Traveller communities are opposed to the placement of children in transracial placements (Allen, 2015). As foster carers are not usually recruited from Gypsy, Roma and Traveller communities, children are often placed in transracial placements which do not always recognise, nurture and promote the child's cultural identity. For those leaving care, and for women in particular, research suggests that those who have lived in transracial placements as children often struggle to re-integrate back into their Gypsy, Roma or Traveller communities as adults (Ibid.). In the light of this knowledge, Serious Case Reviews have shown that decisions made during care proceedings can also be justified through cultural relativist reactions. Here children can be placed with friends and families, with special guardianship orders, for example, because, in situations where parents are unable to care for their children, it is believed that they should be cared for by their extended family (BSCB, 2014).

By prioritising decisions in this way, the court can become quite a challenging environment if guardians, family court advisors and social workers are seen to not fully understand or lack knowledge of an individual family's culture. At these times the drive to place a child with friends and families can fail to take into account the pressure that will be placed on the family system and the views and wishes of the child themselves (Allen and Adams, 2013). As well as creating opportunities for interfamilial conflict, which if not fully anticipated can escalate in some very violent ways (O'Higgins, 1993), family members can also feel obliged to accept responsibility for children and large sibling groups even if they do not have the resources to do so.

Regardless of the decisions that are taken, it is clear that when any action is justified through pathologising or cultural relativist reactions, care proceedings are likely to fail Gypsy, Roma and Traveller communities, as well as the Gypsy, Roma and Traveller children themselves. If evidence to inform care proceedings is determined by the subjective assumptions of the professional, and to some extent the families involved too, and do not reflect the realities and lived experiences, or potential lived experiences of the child, it is arguable that justice is not being served either.

This paper will explore the various ways in which automatic prejudice toward Gypsies, Roma and Travellers can be reduced. By outlining opportunities for best practice, this paper will provide a preliminary reflection on the pre-requisite knowledge, values and skills needed to ensure that decisions made during care proceedings actively consider the views, wishes, realities and rights of the child whilst identifying and challenging automatic prejudice in all of its manifestations.

Before moving on any further, it is important to note that it is not always well recognised that the groups of people often homogenised under the umbrella term 'Gypsy', 'Roma' and 'Traveller' actually constitute a rich and diverse group of communities who each go under different names, and often distinguish themselves carefully from one another. While the following descriptions are rather simplistic, they are intended to help those beginning to develop an important understanding of

specificity and the need to establish the necessary foundations from which to build cultural competence and professional capability when working with Gypsy, Roma and Traveller people.

Who are Gypsies, Roma and Travellers?

Romani (English) Gypsies (Romanichal, or Romani Chals as they are sometimes termed), originally came to Europe from India sometime in the 13th or 14th century. They were first recorded in British history in 1502, and have maintained a distinctive culture since this time. Members of this community often speak Romani, or 'pogadi chib', which has its origin in an ancient Sanskrit language that was first spoken in the Indus Valley, in the North-western region of the Indian subcontinent, over a thousand years ago. In cases since 1989, it has been established through the courts that the customs and traditions of Romani Gypsies, should be protected under equality legislation (Commission for Racial Equality v Dutton, 1989).

The word 'Gypsy' is not a Romani word but a distorted version of the English word 'Egyptian', a label given to them by society in the 16th century. Today the word 'Gypsy' is often used by non-Gypsies to identify, or label, the whole Travelling population, it is frequently used within the media as a racist term of abuse, especially when abbreviated (Allen and Adams, 2013). This understanding is particularly relevant for some Roma communities.

Roma communities share historical origins with Romani Gypsies. They too migrated out of India sometime in the 13th or 14th century but generally only began to migrate to the UK in the 1990s, first as asylum seekers fleeing persecution and discrimination in different countries in Central and Eastern Europe, and subsequently as migrants from A8 EU accession countries. For Roma people the name 'Gypsy' can be particularly insensitive, since in Sinti, a variation on the Romani language, the English word 'Gypsy' literally translates as 'dirty'. Therefore in referring to a Roma person as a Gypsy, or asking them to self-ascribe in this way, could be deeply offensive.

Another principal Traveller group in England are Irish Travellers, sometimes self-referred to as 'Pavees' within the Irish Traveller community. Although some of their traditions may be similar to those of Romani Gypsies, McVeigh (1997) states that Irish Travellers have their origins in a Celtic, and possibly pre-Celtic, nomadic population in Ireland. According to Kenrick (1994), they have travelled within the UK since the 19th century, but the inclusion of the words 'counterfeit Egyptians' in the Punishment of Vagabonds Calling Themselves Egyptians Act 1562, suggests that Irish Travellers might have been living and travelling in the UK well before that date. In cases since 2000, Irish Travellers are also protected under equality legislation. (O'Leary and others v Punch Retail and others, 2000)

In addition to Romani (English) Gypsies, Roma and Irish Travellers, there are Scottish Gypsies and Scottish Travellers, Welsh Gypsies, New Travellers, Showmen, Circus People and Boat People living in Britain. Although a fuller exploration of the differences between these groups might be useful, any further detail is beyond the scope of this discussion. For readers new to this topic, the book *Social Work with Gypsy, Roma and Traveller Children* (Allen and Adams, 2013) is recommended as an accessible foundation text from which to understand the unique cultures and challenges experienced by Gypsy Roma and Traveller communities within a British context.

Automatic prejudice towards the 'conceptual Gypsy'

The tradition of nomadism, or 'travelling', is a central tenet of Gypsy, Roma and Traveller cultures, serving economic and social purposes throughout history, and being a common denominator in their experience. Although being nomadic is not the defining characteristic of what it means to be a Gypsy, Roma or Traveller person, there exists a cruel history of state sponsored oppression which has been underpinned by an ideology of assimilation which has reinforced discriminatory attitudes, and the opportunity for automatic prejudice toward Gypsy, Roma and Traveller people living in Britain, since the 16th century.

Discrimination may be defined as categorising or distinguishing between factors or variables in a positive, negative or neutral way. It is also a means by which an individual may justify a conscious response to target ethnic and racial groups. Automatic prejudice, on the other hand, can be identified in spontaneous and uncontrolled examples of discrimination, which according to Judd et al, (2004 pp 75), are '...elicited in such a manner that the perceiver is largely unaware that his or her responses are indicative of a racist attitude'. In the context of the current paper, and as reported in those Serious Case Reviews already listed above, automatic prejudice is the phenomena of reflexive discrimination towards the 'conceptual Gypsy'.

Automatic prejudice towards Gypsies, Roma and Travellers is prevalent throughout the UK and it has roots that stretch across the entire world. For hundreds of years, automatic prejudice has been used to stigmatise, abuse, misrepresent, misjudge and exclude Gypsy, Roma and Traveller people. As early as 1530, the Egyptian Act, which created one of the first statutes of law to address immigration, prepared the majority population to accept racism towards Gypsy, Roma and Traveller people. In order to deal with the 'continued Gypsy problem' in 1562, the majority population were primed to accept genocide, as whole Gypsy and Traveller communities were executed, under the Punishment of Vagabonds Calling Themselves Egyptians Act, for no other reason than that they were Gypsies or Travellers. By 1572 the majority population were readied again to accept slavery and the moral duty to save Gypsy and Traveller children from their culture, thus witnessing one of the first legalised practices to allow children to be forcefully removed from their families. In 1652 the Settlement Act normalised the process of forced emigration as Gypsy and Traveller families were expelled from Britain, and by 1888 the Moveable Dwellings Bill primed a justification of social concern by permitting authorities to enter a trailer, or caravan, to check for 'sanitation, health, and moral irregularities' thus forming one of the earliest templates for contemporary child protection law.

Today, automatic prejudice endures though enforced settlement policy (Department for Communities and Local Government, 2015) with nomadism arguably being perceived as a direct threat to the dominant economic and political interests. In regard to contemporary child protection systems, the presence of a nomadic people remains problematic, primarily when their culture, and a perceived risk of flight, is not fully understood, or not straightforwardly monitored or controlled (Cemlyn, 2008). It is perhaps for these reasons that data provided by the Office for National Statistics (2015) suggests that Gypsy, Roma and Traveller children are three times more likely than another child to be taken into care in England than any other child.

Impact of automatic prejudice on community psychology

It is important to recognise that Gypsy, Roma and Traveller groups would not have survived centuries of oppression without maintaining a stoic and tenacious pride in

their Gypsy, Roma or Traveller culture. More often than not, this is evidenced in the felt need to fight against and resist various projects of social control and enforced assimilation (Stewart, 2012).

Generally, Gypsy, Roma and Traveller communities tend to share a central belief in the importance of family and community. For many, there is a mutual reliance on extended family, for both practical and emotional support. There is also a commitment to family across the generations, with Gypsy, Roma and Traveller communities expecting to care for children who are unable to live with their birth parents. The need to maintain the survival of relatively small ethnic or cultural population is usually driven by an ideology that also excludes aspects of the majority society which can be perceived as a threat to tradition and culture (Okley, 1983; 1997, Cemlyn, 2008; Allen, 2012; 2015). As we shall soon see, perceptions of strict cultural separation can impact on a community perception of children entering, living in, or leaving transracial placements.

For some Gypsy, Roma or Traveller families and communities, the ideology of cultural separation is very much reflected in their thinking about becoming involved with outside agencies. The importance of interfamilial privacy can lead to reluctance to cooperate with outside agencies in issues such as safeguarding, domestic violence and substance misuse (Cemlyn *et al.*, 2009). The need for community privacy is also important because the involvement of children guardians, family court advisors and social workers can be seen to bring unwanted attention or shame onto a family (Allen and Adams, 2013). This means that some individuals and groups within the wider Gypsy, Roma and Traveller community can struggle to seek or accept help from people or organisations, perceived to be outside of the group's internal social network (Cemlyn and Briskman, 2002). In light of the generations of persecution and marginalisation that Gypsy, Roma and Traveller communities have suffered at the hand of state sponsored organisation, some community members view agents of the state with a deep sense of mistrust (Cemlyn and Allen, 2016).

The sense of mistrust towards agents of the state has been compounded recently in relation to Gypsy, Roma and Traveller families in the UK, with numerous Roma children being wrongly removed from their families as part of police anti-trafficking operations (Foster and Norton, 2012); and in high profile cases of fair-skinned Roma children being removed from their families in Greece and the Republic of Ireland based upon suspicions of child abduction (Brunnberg and Visser-Schuurman, 2015). Rather than as a system for effective and safe child care, Gypsy, Roma and Traveller communities feel that care proceedings are being used to take their children into care at a disproportionate rate for no other reason than that they are Gypsies, Roma or Travellers (ERRC, 2011; Allen, 2015).

Given the historical context and current socio-economic relationships (see Cemlyn, *et al.*, 2009), this attitude is entirely understandable, but at times can result in disguised compliance, reluctance to engage, denial and secrecy. Unless the motivations for this behaviour are understood and explored with the family, Allen and Adams (2013) explain that miscommunication, misunderstandings and resultant poor practice can arise when professionals, who have had no specific education and training, attempt to discuss within strictly imposed timescales, complex concerns and support packages for which many Gypsy, Roma and Traveller people have no framework of understanding. Where a family may be afraid and feel the need to hide from, avoid or ignore social work involvement, professionals can often misinterpret a family's reluctance to cooperate and justify the need for intervention earlier than they might otherwise do with any other family (Cemlyn 2000a; 2000b). It is for this reason

that many of the Gypsy, Roma and Traveller families report the experience of helplessness and confusion as social work involvement quickly escalates from an initial meeting to full and formal child protection enquiries (Allen and Adams, 2013).

It is clear that some Gypsy, Roma and Traveller children will be at risk of significant harm, and that work with families will be needed to bring care proceedings into court. However, once care proceedings are brought into court, it is essential that children's guardians, court advisors and social workers are able to ensure that any decision being considered accurately reflects the realities and lived experiences of the child, and is not being influenced by recommendations which might otherwise be indicative of unreflected examples of automatic prejudice.

Reducing automatic prejudice in care proceedings

Presenting research carried out in the various European countries, Pemberton (1999), O'Higgins, (1993), ERRC (2011) and Allen (2012; 2015) explain that one way to ensure that decisions accurately reflect the realities and lived experiences of a child is to fully recognise that Gypsy, Roma and Traveller children being considered for transracial placements will be at a direct risk of losing their cultural identity. Studies show that when transracial placements are used, Gypsy, Roma and Traveller children's contact with other Gypsy, Roma and Traveller people is often restricted to meetings with their own parents, who are frequently angry and powerless at the dominant culture. When this occurs, the child's sense of a Gypsy, Roma or Traveller self can be lost. When these children leave care, and attempt to establish independent lives, research cited above also shows that they have not been prepared for a Gypsy, Roma or Traveller way of life. For some care leavers, and particularly for Gypsy, Roma and Traveller women, who stand accused by their own communities of being contaminated by the dominant culture, the experience of leaving care can be characterised by feelings of shame and social rejection. Together, Pemberton (1999), O'Higgins, (1993), ERRC (2011) and Allen (2012; 2015) show that for many care leavers, this 'limbo' existence easily leads to isolation, alienation and a drift into a culture of alcohol, drugs, and offending.

In order to address this concern, Pemberton (1999) and O'Higgins, (1993), suggest that the only way to reduce the risk of cultural isolation and distress experienced by Gypsies, Roma and Travellers living in the care system is to place them with appropriate kinship carers in their own communities. However this is not a panacea. As seen in recent Serious Case Reviews (BSCB, 2014; Harrington, 2014), a determined commitment to friends and family placements may not always be effective, if the ability of the friend or family member to care for the child has not been fully assessed. Where there are large sibling groups, for example, cultural relativism can lead to an opportunity to overlook the pragmatic arrangements for day to day care and the nuances involved in placing Gypsy, Roma and Traveller children with families within their own community. What is more, BSCB (2014) has shown how professionals can feel coerced to collude with cultural relativism if the family's legal representative challenges decisions on the basis that they do not reflect a Gypsy, Roma or Traveller culture. In and of itself, this pressure can lead to unwanted outcomes.

O'Higgins 1993 study, reports on the development of 'The Shared Rearing Service' in the Republic of Ireland, a state funded project which enables Irish Traveller children to be placed with Irish Traveller carers. It shows that the use of friends and family placements can lead to significant tensions and feuds within the community, thus jeopardising the welfare of the child even further. This is not to say that friends

and families should be avoided, that is not the argument at all. Instead it is clear that if friends and family placements are pursued, then, consistent with good practice, care is needed to ensure that that placement is appropriate and that all decisions account for all aspects of risk, and at all times prioritises the voice and lived experience of the child over all else.

Research carried out with Gypsy, Roma and Traveller children and care leavers in Britain (Allen 2012; 2015) suggest that the risk of cultural relativism can be avoided if a constant imperative is employed to ensure that a culturally competent approach is affirmed as a minimum requirement. At all times, care planning must involve direct involvement of the Gypsy, Roma and Traveller child in the milieu of the birth culture, as difficult as this might be at times. To reverse the risk of cultural isolation, and ostracism for those placed in transracial placements, care plans must develop and refine this understanding by highlighting meaningful opportunities for Gypsy, Roma and Traveller children living in care to feel and experience pride in their own cultural identity (Allen and Adams, 2013).

In particular recognition of the deletion of the revocation of s1(5) from the welfare checklist in the Adoption and Children Act 2002 by the Children and Families Act 2014, culturally competent care proceedings must maximise cultural continuity. This means that, wherever possible, kinship networks, schools and friendships should be maintained, as should contact with family members and the child's wider community where this is appropriate. Not only is this essential in terms of reducing the risks associated with long-term emotional distress, it also reflects the need to ensure that children understand that where they cannot live with their birth family, this does not imply a criticism of the wider Gypsy, Roma and Traveller community of which they are a part. Any failure to respect the child's culture and kinship networks will have an adverse impact on their global development. If the increasing numbers of Gypsy, Roma and Traveller children living in care do not feel that they belong within their transcultural placement, they will most likely reject it, and the carers who are looking after them. In these cases, children might be missing from care and unwittingly place themselves in situations of great vulnerability as they search for a sense of connection to their Gypsy, Roma or Traveller self (Allen, 2015).

Culturally competent practice should, therefore, aim to ensure that children develop the skills required to function across and within the transracial setting and the Gypsy, Roma or Traveller community. Gypsy and Traveller women in particular will be required to cope with and overcome the rather unique social challenges associated with living in a transracial placement (Pemberton, 1999; O'Higgins, 1993; Allen, 2012; 2015) particularly if the cultural expectations of the transracial carer are not consistent with Gypsy, Roma Traveller norms. This means that promoting and facilitating contact is a crucial element within multicultural planning, but the issues are not always straightforward. Where any child has been removed from their birth parents because of harm that was done to them, any contact plan needs to be very carefully considered, including the likelihood that some Gypsy, Roma and Traveller families may be reluctant to engage with professionals or attend organised events like a Family Group Conference, for instance, if they are scared or perceive intervention as being oppressive and conveying shame onto the family.

As shown by Allen and Adams (2013) the opportunity to engage families in care planning processes could be undermined by an environment characterised by fear. Gypsy, Roma and Traveller children, families and communities will likely be of the view that outside involvement is a threat to their privacy and right to private life, and will be seen as part of the state oppression that characterises Gypsy, Roma and Traveller

experience (Schmidt and Baily, 2014). This demands a particular approach to the family which, if not applied effectively, could lead to pathologising reactions which justify the need to isolate and save the child from their culture. It has to be understood, therefore, that Gypsy, Roma and Traveller children and families, like many others who experience care proceedings, are unlikely to understand the various legal processes. They should, therefore, be provided with accessible information about their rights including sources of independent support and the relevant complaints procedures. If any assessment is being undertaken, it is crucial that families are enabled to understand what this entails, what is being judged, and what changes are necessary to reduce concerns. Most importantly the family will need to understand how the court works in order to prepare and participate to the best of their ability.

Given these factors, guardians, family court advisors and social workers might do well to make a particular effort to work in partnership with birth families, being respectful and sensitive to a community psychology that reflects their multi-dimensional and trans-generational experiences of hostility and racism, and trying to gain a shared understanding about the benefits of contact in the context of cultural difference. To achieve this, children's guardians, family court advisors and social workers need to be empathic and active communicators who genuinely value the opportunities that the birth parents, extended family and community can offer in terms of helping the child to feel good about their Gypsy, Roma and Traveller heritage, amongst other benefits. It is likely that children's guardians, family court advisors and social workers will also need to spend time with Gypsy, Roma and Traveller families to help them make sense of their own responses to interfamilial separation, enabling them to understand that their importance to their child does not diminish just because the child has been adopted or fostered.

By empowering families to understand how contact can meet the developmental needs of the child, and by presenting this information in a way that is sensitive to a perception of majority community interference, feelings of reluctance on behalf of the parents can hopefully be minimised, and their sense of parental responsibility maximised. Where appropriate, it needs to be made clear that the family's capacity to recognise the needs of their child during contact will be an important component in any strategy for a return home.

Thinking about leaving care raises important questions about care planning more generally for Gypsy, Roma and Traveller children, and requires children's guardians, family court advisors and social workers to be thinking at an early stage about the likely life trajectory of a child. The way that the Gypsy, Roma or Traveller identity of a child is supported and promoted will be very different for a baby with a care plan of adoption, compared to an older teenager who has always lived in a Gypsy, Roma or Traveller community. Where it is clear that a child is going to live as an adult within a Gypsy, Roma or Traveller community, then preparation for that will need to be considered during care proceedings, and not be delayed to an arbitrary date when pathway planning begins.

Conclusion

For the transition in to and out of care to be effective, where that is the plan, this paper has provided preliminary evidence to argue why care proceedings must value cultural continuity as an essential aspect in the development and formation of a secure identity for a Gypsy, Roma or Traveller children. In matters related to care planning, this paper has explained that it is essential for Gypsy, Roma and Traveller children to experience

continued cultural inclusion, and it has explained why this cannot happen without significant interaction with Gypsy, Roma or Traveller communities.

Reflecting on research evidence that is available, it has been established that the most obvious way to ensure cultural continuity is to place Gypsy, Roma or Traveller children with Gypsy, Roma or Traveller carers. However, it has been recognised that where this is not possible, or inconsistent with the child's best interests, there is a need for children's guardians, family court advisors and social workers and others to forge and maintain close and effective working relationships with a Gypsy, Roma or Traveller communities.

Arguably, the central thesis of this paper is no different to the approach needed to work effectively with any other family, but what is crucial, and fundamentally central to this debate, is the fact that care proceedings might frighten members of Gypsy, Roma and Traveller communities if they have had very little contact with formal government structures, and in any case feel under threat from them. In this context, this paper has highlighted the particular importance of providing families with information about their rights including sources of independent support and the relevant complaints procedures. However, at the same time as working effectively with families, this paper has iterated a core value which demands that the child is placed at the centre of all decision making processes. It is not good enough to justify pathologising or cultural relativist decisions against sweeping statements like 'it's in their culture', because, as with all families, the behaviours, beliefs, values, and symbols which constitute 'culture' are fluid, complex and often individually changeable.

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