

Good Practice Guide

UNDERSTANDING THE WELFARE IMPACT OF THE POLICE, CRIME, SENTENCING AND COURTS ACT

JULY 2022



Foreword

The Travellers Advice Team advises and represents Gypsies and Travellers throughout England and Wales. We are extremely concerned at the potential disastrous consequences of the new criminal trespass offence introduced by the Police Act 2022. In these circumstances, Guidance will be very important to try and ameliorate some of the worst potential effects of the use of this new offence. We therefore welcome this excellent Guidance from BASW and doubtless we will be quoting from it extensively.

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Executive Summary

The Police, Crime, Sentencing and Courts Act 2022 (the Police Act) is in effect as of 28th June 2022, creating a new offence that aims to greatly increase eviction powers that will disproportionately affect Gypsy, Showmen and Traveller communities living on an unauthorised encampment. Failing to recognise that unauthorised encampments arise from the lack of provision of adequate pitches (permanent, transit and emergency) and the failure of many Local Authorities to enter into negotiated stopping agreements, the actions taken under the Police Act could mean that the lives of 10,000 families living on unauthorised encampments could be made even more vulnerable.

Where the Police Act is being used, the Home Office requires the police to consider whether welfare considerations exist before the new powers are enforced. However, there is no standardised method or format that can be used to inform an approach to understand what welfare considerations may exist because of police action is taken.

The aim of this Good Practice Guide is to provide a template that can be used by police officers, housing officers, environmental health officers, highways officers, enforcement planning officers, National Park wardens, community advocates, teachers, social workers, community support officers and all others involved in supporting Gypsy, Showmen and Traveller families residing on an unauthorised encampment. It has been designed to inform a better understanding of welfare considerations, so that the principle of proportional justice can be fully considered.

By producing this guide, we recognise that welfare considerations result from actions taken under the Police Act. In line with the duty contained in Housing (Wales) Act 2014 Section 103, It is hoped that the identification of the same will highlight assessed need for more authorised encampments and support Judicial Review on the grounds that new powers contained in the Police Act are incompatible with the Human Rights Act in England and Wales.

The Gypsy, Roma and Traveller Social Work Association

Chapter 1: Introduction

The Police, Crime, Sentencing and Courts Act 2022 (the Police Act) is in effect as of 28th June 2022, creating a new offence under the Criminal Justice and Public Order Act 1994 sections 60C to E.

This new offence greatly increases eviction powers that will disproportionately affect Gypsy, Showmen and Traveller communities. Although local authorities and other public bodies (including the police) should take account of welfare considerations before deciding to use this Act, approaches taken to achieve this duty are often fragmented. Therefore, the Gypsy, Roma and Traveller Social Work Association (GRTSWA) believe that the welfare impact of these new powers will be greatly underestimated as the distress caused by eviction proceedings is overlooked, the importance of key deadlines is ignored and the opportunity to seek a challenge by way of Judicial Review is missed.

Incorporating relevant laws and social policies from across Britain, this Good Practice Guide has been written to support the implementation of two accompanying welfare conversation templates. These two templates, Part A and Part B, have been written by the GRTSWA in partnership with the British Association of Social Workers and Manchester Metropolitan University to support meaningful conversations with Gypsy, Showmen and Traveller families facing action under the Police Act.

The aim of this Good Practice Guide is to provide a brief introduction to the types of conversations that can lead to a reliable and verifiable understanding of welfare considerations that result from police action. This information may then be used to support a legal challenge or appeal against the Police Act on the grounds that the act of eviction is incompatible with the Human Rights Act in England and Wales. It has been written to support any individual or organisation that works to end racism and discrimination and to protect the right of Gypsy, Showmen and Traveller communities to pursue a nomadic way of life.

Context

Since the 16th century, legislation has been used to control the nomadic traditions and customs of Gypsy, Showmen and Traveller communities living in Britain (Vanderbeck, 2005). Today, these communities experience an increasing lack of authorised stopping places, and a failure of planning laws to provide a realistic method for

families to set up their own sites. This means that there are approximately 10,000 families who have no legal safe place to stop in Britain (Friends, Families and Travellers, 2020).

With no legal place to stop, Gypsy, Showmen and Traveller communities are forced to reside on unauthorised encampments. Here individuals, families and communities set up encampments on carparks, playing fields or by the roadside. It must be made clear that unauthorised encampments occur as a direct result of the legislation that serves to limit freedoms and the development of authorised encampments. Put plainly, if there were more authorised encampments, families would not need to stay on carparks, playing fields or by the roadside.

The lack of authorised encampments also impacts on cultural traditions. Although the practice of 'nomadism' is a protected characteristic for some Gypsy and Traveller communities, the way that families are forced to use unauthorised encampments means that those who continue to 'travel' can encounter significant hardships that impact on their mental and physical health, wellbeing, education, and employment (Okely, 1997). Despite these hardships, many families continue to live on unauthorised encampments as they seek to practice their nomadic cultures and traditions (Comarty, 2019).

The direct impact of laws that have been passed to control the nomadic traditions and customs of Gypsy, Showmen and Traveller communities means that they experience significant levels of deprivation and inequality. The British government has already acknowledged the relationship between unauthorised encampments and social determinates of health. In 2012, Communities and Local Government concluded:

“Gypsies and Travellers living on unauthorised sites can face additional difficulties accessing health and education services and the precarious nature of their homes can further exacerbate inequalities and stifle life chances.”

Emphasising the true impact of 'stifled life chances', the report concluded that Gypsy, Showmen and Traveller communities experienced some of the worst health and social care outcomes compared to all other groups (Communities and Local Government,

2012). This finding is supported by several studies others (Barry et al., 1987; Parry et al., 2004; Baker, 2005; Rose-Walker, 2008; Office for National Statistics, 2011; UK Parliament, 2019; Allen and Hamnett, 2022) which show significant inequalities in matters related to education, health and social justice (see Box 1 below).

Box 1: Examples of inequalities in education, health and social justice

- 39% of Gypsies and Travellers have a long-term illness compared with other ethnic minority groups.
- Irish Travellers are 3 times more likely to have chronic cough or bronchitis, even after smoking is considered.
- 10 - 22% of Gypsies and Travellers reported having asthma and 34% reported chest pain compared to 5% and 22% of the general population.
- Gypsy, Showmen and Traveller communities provide the highest levels of unpaid care compared to other groups.
- Gypsies and Travellers are nearly three times more likely to be anxious than average and just over twice as likely to be depressed.
- Irish Travellers are 3 times as likely to die by suicide than the general population.
- There is an excessive prevalence of miscarriages, stillbirths and neonatal deaths in Gypsy, Showmen and Traveller communities and high rates of maternal death during pregnancy and shortly after childbirth.
- A high prevalence of diabetes has been reported in Gypsy, Showmen and Traveller communities, and a lack of community knowledge of the risk factors.
- Gypsy, Showmen and Traveller women live 12 years less than women in the general population and men 10 years less, although recent research suggests the life expectancy gap could be much higher.
- Gypsy and Traveller children are 3 times more likely to be referred to children and family services and 3 times more likely to enter state care compared to all other ethnic minority groups.

Police, Crime, Sentencing and Courts Act (2022)

In addition to the hardships that are already faced by Gypsy, Showmen and Traveller communities in Britain, the Police Act delivers on the Government's commitment to strengthen police capabilities to prosecute those living on unauthorised encampments. This includes a new power of arrest and the power for police to seize the vehicles of Gypsy, Showmen and Traveller families. According to the Home Office (2022a):

“The Act creates a new criminal offence of residing with a vehicle on land without permission. The new offence will be committed when someone causes significant damage, disruption or distress in the conditions described, but has been framed in such a way as to ensure that the rights of those wishing to enjoy the countryside are not impacted.”

In summarising The Police Act, the Home Office fails to recognise that the problem of unauthorised encampments arises from the lack of provision of adequate pitches both permanent, transit or emergency, and the failure of many Local Authorities to enter into negotiated stopping agreements. The Caravan Sites Act 1968 introduced a duty to facilitate the provision of sites but that duty was repealed by the Criminal Justice and Public Order Act 1994.

By prosecuting those residing with a vehicle on land without permission, the Police Act is clearly targeting Gypsy, Showmen and Traveller people living on unauthorised encampments. In relation to the centuries of laws that have been used to control the nomadic traditions and customs of Gypsy, Showmen and Traveller communities, the Police Act is targeting people who have been forced to reside on land without permission because of other Acts of law that prevent the development of authorised encampments. For those people who seek to practice their nomadic cultures and traditions, as protected by law, this legal 'no-win situation' means that the 10,000 families who have no legal safe place to stop in England and Wales could soon be made even more vulnerable.

As Webb et al., (2021) and Bywaters et al., (2019) show, inequalities in education, health and social justice increase where there is deprivation and a lack of opportunity. By enabling police to arrest and

seize the vehicles and homes of Gypsy, Showmen and Traveller families living on an unauthorised encampment, we believe that the powers contained in the Police Act will reduce opportunity and create further deprivation for some of the most marginalised and vulnerable groups in Britain. It is therefore essential that those who work to support Gypsy, Showmen and Traveller families living on unauthorised encampments are better prepared to deal with the associated impact that police action will have.

Why is a response needed?

The primary ambition of all those who support Gypsy, Showmen and Traveller families living on unauthorised encampments should reflect the need to help secure their welfare and safety through the provision of more authorised encampments. In line with the duty contained in Housing (Wales) Act 2014 Section 103, it is essential that the assessed need for sites can counterbalance the new offence and the amendments to existing offences. As work needed to effect legislative change and planning policy is now threatened by the Police Act, urgent action is needed to ensure that the power of arrest, and the power for police to seize the vehicles, does not further jeopardise the health, safety and welfare and safety of Gypsy, Showmen and Traveller families.

Local authorities and other public bodies (including the police) should take account of welfare considerations before deciding whether to evict an encampment, as the existing Government guidance on unauthorised encampments (both in England and in Wales) remains in place. Additionally statutory guidance to Police has just been issued by the Home Office and further guidance from the National Police Chiefs' Council has been issued. The latter guidance will be especially important for those advising Gypsies and Travellers (Johnson, 2022).

Where the Police Act is being used, the Home Office (2022b: 12) requires the police to consider whether welfare considerations exist before the new power of arrest and the power for police to seize the vehicles of Gypsy, Showmen and Traveller families is enforced:

‘Police should ensure that, in accordance with their wider equalities and human rights obligations, proper welfare enquiries are carried out to determine whether there are pressing needs presented by those on unauthorised

encampments and that, where necessary, the appropriate agencies (including Local Authorities) are involved as soon as possible...If necessary, enforcement action against those on the unauthorised encampment could be delayed while urgent welfare needs are addressed.'

Despite this statutory guidance, we know that local authorities and other public bodies (including the police) do not routinely ask about these matters, or delay enforcement actions until a welfare enquiry has been conducted. Most existing forms that could be used to guide and inform a welfare enquiry are not fit for practice, and no good practice guidance, that could be used to understand how best to coordinate a full and accurate welfare enquiry, exists.

A generic conversation framework is therefore needed to enable the police, local authorities and other public bodies to meet the requirement set by the Home Office. It is also important to point out that the Home Office (2022b) brief advice to understand welfare issues do not go far enough. To fully meet their responsibility to minimise wider inequalities and promote human rights obligations, the police must also understand how the powers contained in the Police Act may themselves cause an urgent welfare consideration (Willers and Jonson, 2020).

Chapter 2: Welfare Enquiry: Part A

To help understand some of the welfare considerations caused by the Police Act, we have designed a template that can be used by housing officers, environmental health officers, highways officers, enforcement planning officers, National Park wardens, community advocates, teachers, social workers, community support officers and all others involved in supporting Gypsy, Showmen and Traveller families residing on an unauthorised encampment.

The 'Welfare Enquiry: Part A' form that accompanies this Good Practice Guide can be used on any occasion to collect useful information about how actions taken under the Police Act impact family life. Even if the family plan to move on, Part A has been designed to help a local authority other public body to carry out welfare enquiries and develop a better understanding of the reasons why a family is residing on an unauthorised encampment. Wherever possible, this information could then be used by the local authority and other public bodies (including the police) to assess and plan alternative accommodation provision, in support of a more formal accommodation assessment. Even if the family indicated their intention to move on following the application of the Police Act, they should still be signposted to the services listed on page 19.

As welfare enquiries are often overlooked, we encourage local authorities and other public bodies to adopt the 'Welfare Enquiry: Part A' form, along with this Good Practice Guide, in the development of their own written policy for managing unauthorised encampments and carrying out essential welfare enquiries. The GRTSWA would welcome discussions with local authorities and public bodies who wish to adopt this model.

If, during the completion of Part A, it is determined that action taken under the Police Act will cause significant welfare considerations, the Part B form has been designed to support a more detailed conversation. With the individual's consent, the additional information provided by Part B should then be brought to the attention of the local authority or other public body. Where possible, and again with consent, the welfare considerations identified in Part B should also be passed onto a Gypsy, Showmen and Traveller organisation so that free legal advice can be given. The list of Gypsy, Showmen and Traveller organisations is also listed on page 19 of this guide.

Chapter 3: Welfare Enquiry: Part B

The 'Welfare Enquiry: Part B' form has been informed by the key policy and research concordats listed in Appendix 1. Like Part A, Part B could be used by anyone who has the responsibility or opportunity to identify emerging problems and potential welfare considerations that result from action taken under the Police Act. Unlike Part A, Part B has been created to enable a fuller and consistent identification of emerging welfare considerations.

Whenever the 'Welfare Enquiry: Part B' form is used, the purpose of it is always to gather verifiable information (See Box 2).

Box 2: Purpose of the Part B form

In addition to Part A, a Part B form has been designed to enable you to:

- Gather important information about an individual, child and community.
- Analyse needs and/or the nature of any welfare considerations.
- Decide whether action taken under the Police Act will create additional welfare considerations, breaching equality and human rights law.
- Identify support needed to address those needs to safeguard welfare and where necessary ensure that the individual, family or community is safe.

Throughout a welfare impact conversation that is guided by the Part B form, conclusions should be evidence-based. There should be clear information about the action to be taken and services to be provided to prevent welfare considerations escalating to a point of crisis. The person who leads the discussion should provide help to the individual, family and community, they should act as an advocate and co-ordinate the delivery of identified support services.

The completion of Part B is likely to be complex and require the knowledge and values of a skilled and experienced practitioner. In all cases, a GP, family support worker, school nurse, social worker, teacher, community advocate, health visitor and/or special educational needs co-ordinator or religious leader, or another with experience of working with Gypsy, Showmen and Traveller communities, should be asked to support its full completion.

The Part B form has been designed to be used with the agreement of the individual, family and community, involving the child and family as well as all the practitioners who are working with them. It should take account of the child's wishes and feelings wherever possible - their age, family circumstances and the wider community context in which they are living. Those completing the welfare enquiry should inform individuals that their data will be recorded and shared, and the purpose explained to them. If at any time it is considered that any child may be in need, or that they have suffered significant harm or are likely to suffer harm, a referral should be made immediately to local authority children's social care. This referral can be made by anyone.

Chapter 4: How to undertake a good welfare enquiry

The welfare and impact conversations needed to complete Part A and Part B should be sufficiently dynamic to analyse and respond to the changing nature and level of need and/or risk faced by the individual, family and community. It is important that the impact of what is happening because of the Police Act is clearly identified and that information is gathered, recorded and checked systematically, and discussed with the individual, family and community to verify accuracy.

Good conversations support an understanding of the welfare considerations related to any action being taken under the Police Act. An understanding of the support needs of parent, carers, non-parent carers, and adults within the family and elder community may therefore be required. For this reason, high quality welfare enquiries are:

- **Person-centred.** All decisions should be made in the individual's, family's or community's best interests and informed by evidence
- **Focused on action and outcomes.** All decisions should be designed to reduce or minimise welfare considerations created by the Police Act
- **Holistic in approach.** Addressing the needs and welfare of the individual, family or community
- **Focussed on equal opportunity.** Underpinned and inclusive of equality and human rights legislation
- **Able to involve children.** Ensuring that the child's voice is heard and that appropriate support to enable this where the child has specific communication needs
- **Able to identify risks.** The safety and welfare of children, family and community must be established.
- **Able to build on strengths as well as identifying difficulties.** The individual, family and community are likely to be experiencing enormous pressure because of the Police Act. They also may have significant resilience and coping strategies too.
- **Focussed on positive action.** Try to list the actions that are

needed including the provision of services.

- **Transparent.** Due to systemic and institutional racism, any welfare impact assessment of Gypsy, Showmen and Traveller families experiencing new powers enabled by the Police Act is likely to be questioned by local authorities and other public bodies and open to challenge. It is therefore essential that the record of the conversation only contains honest, credible, substantiated and verifiable information.
- **Preventative.** As emphasised by McAlister (2022), in the government commissioned review of children's social care, what is currently needed is a culture change away from taking children into state care. Adopting this Good Practice Guide, and associated Conversations Template, is aligned to this recommendation and relevant welfare legislation across adults and children services.

The GRTSWA is confident that a systematic approach to complete Part A and Part B is the best way to deliver a comprehensive view of welfare considerations.

To aid completion, various models have already been built into the Part B form. Designed to provide an opportunity to consider the generic needs of the individual, family and community Part B is intended to enable a sensitive conversation that can empower and enable those facing action under the Police Act. Some other models to support the completion of the two forms that accompany this guide can be found in Appendix 2 and 3.

A sensitive conversation

It is important to recognise that any conversation about the welfare impact of the Police Act is likely to come at a time when the individual, family and community are experiencing a great deal of distress and anxiety. The questions presented in Part A and Part B might also appear unusual to those who are not used to talking about the difficulties, distress and anxiety that they are experiencing.

The purpose of the conversation needed to understand the welfare impact of the Police Act should be primarily concerned with supporting individuals, families and communities who are at risk of criminalisation, or eviction. However, the overriding goal of the conversation is to enable people to overcome welfare considerations by responding to

actions that can deny the rights and privileges that many others take for granted. By tailoring the conversation to reflect the relationship between individuals and their environment, the purpose of the discussion should reflect a relationship-based approach.

Building a relationship

The statutory guidance issued by the Home Office and the National Police Chiefs' Council has been interpreted by Friends Families and Travellers and the Community Law Partnership, two organisations that specialise in supporting Gypsy, Showmen and Travellers. However, the unequal attention given to guidance on how to conduct a welfare enquiry has created disparity in the knowledge, values and skills that may be needed to inform an approach to identifying welfare impact considerations. Specifically, within the picture that is created by the stereotypical representation of Gypsy, Showmen and Traveller families living on unauthorised encampments, there emerges an image of an entire group of powerless individuals, families and communities who are waiting for someone who can represent their views and lead them to a better life. Not only is this image condescending, but it is also wrong. It assumes that individuals, families and communities lack the resources, capacity, capital and power to help themselves.

Whilst it is important to recognise that many of the people facing action under the Police Act will experience a deep sense of powerlessness, it is also important to recognise that this deep sense of powerlessness has a cause, often compounded by strict deadlines associated to an eviction notice.

For some, powerlessness emerges from socio-economic deprivation, marginalisation, stigmatisation, and a lack of support services. For others, powerlessness emerges from a sense of insecurity, a lack of opportunity, social injustice, a lack of authorised or transit encampments and an unfair social system. In all cases, the art of supporting individuals, families, and communities to manage and overcome the root cause of their powerlessness is central to the premise of empowerment and enablement.

Empowerment and enablement

Both terms, empowerment, and enablement, require you to recognise that you are not the expert in the lives of the people whose views you are seeking to represent. Instead, you should seek to use your skills to

support individuals, families, and communities to become strong enough to influence and change the events and systems that are affecting their own lives.

The aim of empowerment relies on your ability to facilitate opportunities for people to gain skills and knowledge. Enablement is on your ability to support people to exercise their own power to influence change in their lives and in the lives of those who they care about.

An important strategy aimed at the promotion of social change requires you to empower people to become their own resource in managing and improving their own lives. Once you transfer this power, you are working to support enablement by identifying opportunities to build on individual strengths, whilst, at the same time, providing people with the means, ability, and opportunities to overcome the challenges that they face.

Individuals, families and communities who have received empowering and enabling support benefit through improved self-efficacy resulting in improved social outcomes and quality of life. If you can facilitate empowerment and enablement through relationship-based practice you too may have a sense of achievement, confidence and improved job satisfaction as you begin make sense of the full range of inequalities that exist.

Advice for anyone carrying out a welfare enquiry

The GRTSWA support the duty to meet assessed need for sites under Housing (Wales) Act 2014 Section 103 so that Gypsy, Showmen and Traveller families have access to a legal place to station their vehicles and have secure, quality accommodation with access to facilities, health, education, and work whilst living in traditional extended family groups. The GRTSWA also support the principle that safe accommodation and site provision is necessary 'to provide a route for Gypsies and Travellers to maintain a nomadic way of life' a right enshrined in Article 8 of the ECHR. When conducting a welfare enquiry, you can help to the GRTSWA secure these rights by:

- **Remembering that people are human.** Take personal responsibility for working in a compassionate, empathic, humanistic, creative and anti-racist way.

- **Being honest.** Demonstrate openness, transparency and candour in all of your interactions. Take time to explain your role, answer questions and carefully describe the reason for your involvement. Do not promise to stop an eviction and be honest about what the outcome of the welfare conversation might be.
- **Role modelling.** Take personal responsibility for ensuring that you practice in accordance with the requirements of equality law, your regulatory body (if applicable), code of ethics and demonstrate respect of culture, equality and diversity.
- **Not blaming.** Recognise that the challenges being experienced by Gypsy, Showmen and Traveller individuals, families and communities is not attributed to a lifestyle choice, rather their situation reflects an oppressed position in society underpinned by a law that works against this community of people.
- **Listening and being inclusive.** Ensure that individuals, families and communities are involved in all aspects of the welfare impact conversation, being sensitive to the need to respect confidentiality as and where appropriate.
- **Being an advocate.** Support individuals, families and communities and ensure that their rights are always upheld whilst being mindful of the need to respect people's privacy and confidentiality.
- **Promoting strengths.** Value the importance of family and community systems and work in partnership with people to identify and harness the assets of those systems.
- **Working together.** Support individuals, families and communities to work together to achieve a common goal.
- **Facilitating change.** Apply your knowledge and skills to enhance quality of life and wellbeing to be an agent of change.
- **Challenging yourself and others.** Employ models of reflective and reflexive practice. Take note of any potentially concerning behaviour of other agencies involved in the eviction and raise concerns about organisational wrongdoing and cultures of

inappropriate and unsafe practice.

- **Keep yourself safe.** Some unauthorised encampments can be busy places and tensions can be high. Comply with the lone working policy of your agency and request a review of the same if it does not include unauthorised encampments.
- **Debrief.** Seek out regular and formal opportunities to debrief with a colleague through organised supervision or similar activities.

Chapter 5: Supporting a person who has been arrested

If the police do not agree to withdraw the notice by the deadline, Friends, Families and Travellers (FFT), a Charity that works to end racism and discrimination against Gypsy, Showmen and Traveller people and to protect the right to pursue a nomadic way of life, explain that it may be better if the individual, family and community leave the land to avoid being arrested and having their vehicles impounded.

Given the very short deadlines that are likely to be in place, it may be very difficult to prevent the eviction unless there are acute welfare considerations, but that does not mean that the opportunity of advocacy and principles of good practice should be abandoned. As FFT explain, even if the individual, family, or community must leave the land in response to a notice, it may still be possible to bring a challenge and make it clear how actions taken under the Police Act have caused a significant risk to welfare.

If a significant risk to welfare does prevent an individual, family or community from leaving the land, they may be arrested, and their vehicles may be impounded. It is for this reason that the Part B form has significant importance.

Using the Part B form to highlight welfare considerations

To convict an individual under the Police Act, the police would need to take the matter to Court. However, one problem that the Community Law Partnership envisages is that it may be very unlikely that actions taken under the Police Act are brought to the court. If the relevant deadline given in the notice is reached, the families concerned will (understandably) leave the site because otherwise they risk arrest and impoundment of vehicles (which actions can take place before a court Order is obtained). For this reason, the Community Law Partnership believes that the matter will not arrive at court for discussion of the various issues to take place.

Despite this circumstance, it may be important to try and encourage Gypsy, Showmen and Travellers families who have to leave land to seek a challenge by way of Judicial Review. Here they can challenge the decision of the Police and/or the Local Authority where it is felt that the actions have been carried out unlawfully or where it is important to

seek further guidance from the courts as to how this offence (and the amendments to the existing offences) should be dealt with on the ground. For a full discussion of this issue, see the brilliant Friends, Families and Traveller training pack. If a family do wish to seek a challenge by way of Judicial Review, the Part B form that accompanies this guidance could provide essential evidence that could be used to challenge the decision of the Police and/or the Local Authority.

If a person is arrested, and their vehicle is impounded, it is essential that they seek expert advice in respect of any allegation made against them. The earlier that this is done then the better. The presence of a significant welfare consideration should not stop a request for legal advice to ensure that there is no miscarriage of justice.

Support for those who are arrested

The Public Defender Scheme and the Criminal Law Solicitors' Association are recommended organisations that provide anyone attending a police station for interview free legal advice under the legal aid scheme regardless of means. For anyone under 18 years old who is arrested, the National Appropriate Adult Network (NAAN) is recommended as an organisation that works to ensure that their welfare is safeguarded effectively by an appropriate adult.

Chapter 6: Useful contacts and further information

A general legal challenge may be brought against the Police Act on the grounds that it is incompatible with the Human Rights Act as it raises significant welfare considerations. Specific challenges may be possible with regard to individual instances of eviction, potentially even after the Gypsies and Travellers concerned have left the land in question.

Any general challenge (as opposed to specific challenges in individual instances of eviction) will inevitably take some time to progress and will not offer a quick solution to the situation that is happening.

If you need legal representation in challenging an eviction you can call any one of the following organisations:

- **The Travellers' Advice Team at The Community Law Partnership (CLP) operates helpline, which is available on 0121 685 8677 between 9:00 am and 1:00 pm Monday to Friday.**
- **Friends Families and Travellers operate a helpline, which is available on 01273 234 777 between 10:00 am and 4:30 pm open Monday to Friday, excluding Bank Holidays.**
- **London Gypsies and Travellers operate a helpline, which is available on 0208 533 2002 between 10:00 am and 4:30 pm open Monday to Friday, excluding Bank Holidays.**
- **Derbyshire Gypsy Liaison Group operate a helpline, which is available on 07799443830 between 10:00 am and 2:00 pm open Monday, Wednesday and Friday, excluding Bank Holidays.**
- **Travelling Ahead operate a helpline, which is available on 08088020025 between 10:00 am and 4:30 pm open Monday to Friday, excluding Bank Holidays.**
- **Drive2Survive operate a helpline, which is available on 07903 198 022 or 07840 979 302 between 9:00 am and 1:00 pm Monday to Friday.**

- **Shelter operates a helpline, which is available on 0808 800 4444 (England) 08000 495495 (Wales) between 8:00 am and 8:00 pm. Freephone**
- **Showman's Guild operates a helpline, which is available on 01784 461805 between 9:00 am and 5:00 pm Monday to Friday.**

Gypsy, Showmen and Traveller organisations will need to know what is happening in each case and the welfare impact Conversation Template that we have designed should help provide a comprehensive understanding of the situation.

Information about evictions that are taking place, especially under The Police Act, should be passed to one of the organisations listed above.

Useful policy documents

Johnson, C. (2022) Understanding eviction powers: the Police, Crime, Sentencing and Courts Act 2022 and the impact on nomadism. Produced for Friends, Families and Travellers. Supported by Baring Foundation. <https://gypsy-traveller.org/police-act-full-guide/>

Friends, Families and Travellers. Supported by Baring Foundation. (2022) A Short Guide to the Policing Act: What it means for Gypsy, Showmen and Traveller camps. [Police-Act-Booklet.pdf \(gypsy-traveller.org\)](#)

Llywodraeth Cymru. (2018) Enabling Gypsies, Roma and Travellers plan. Enabling Gypsy, Roma & Traveller [Enabling Gypsies, Roma and Travellers plan | GOV.WALES](#)

Evolving approaches to understand welfare considerations

As our understanding of the welfare considerations adapts, so too will the Conversation Template and Good Practice Guidance that we have designed. If you use our Police, Crime, Sentencing and Courts Act Welfare and Impact Conversation Template, we welcome your feedback and recommendations for improvement. The most recent version of these forms and documents can be found on the Gypsy, Roma and Traveller Special Interest Group page of the BASW website.

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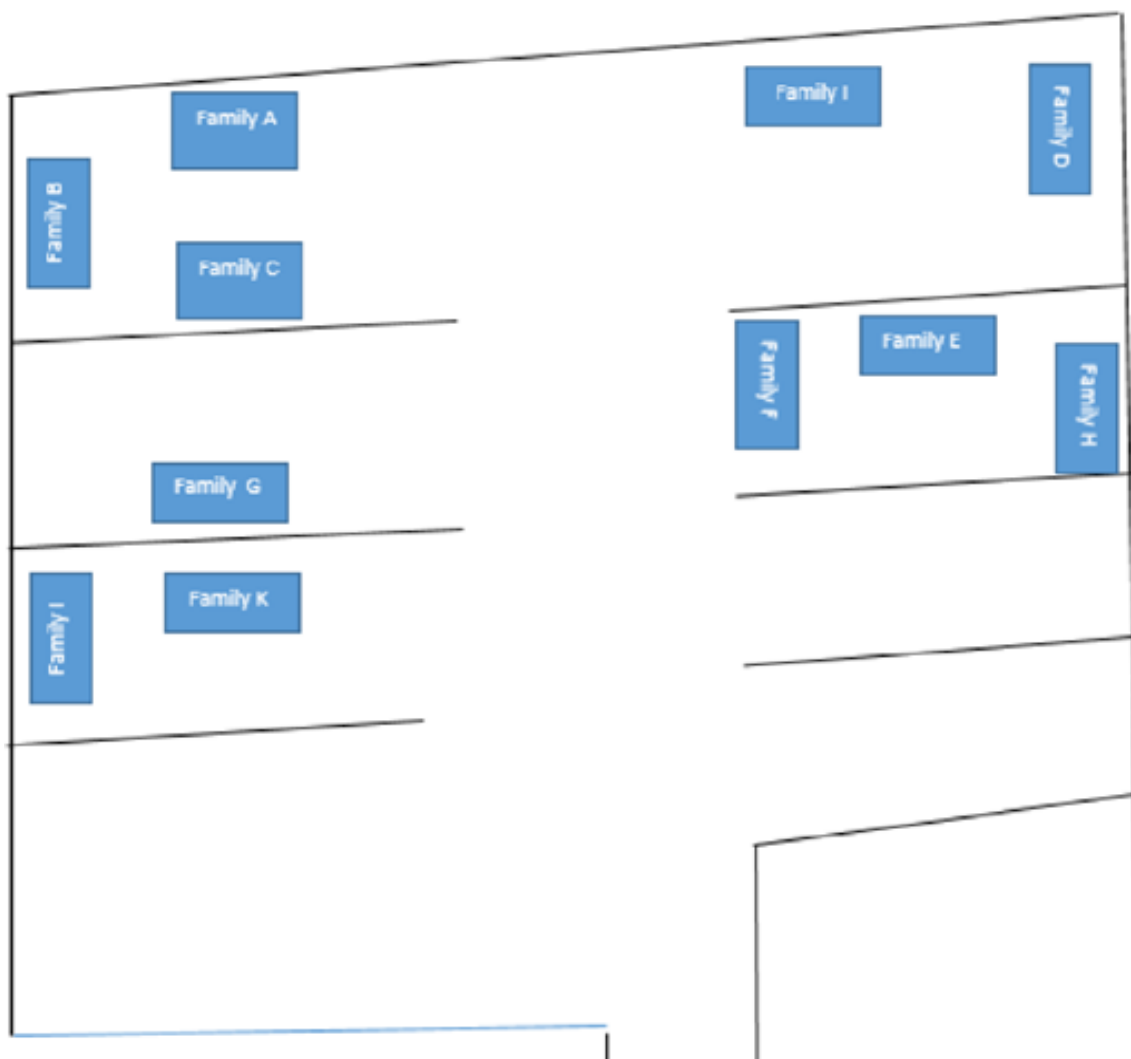
Appendix 1. Laws and policies that support this Good Practice Guide

Template that accompanies this guide has been informed by the following key policy and research concordats:

- Children Act 1989.
- Care Act 2014.
- Equality Act 2010.
- Mental Capacity Act 2005.
- Mental Health Act 1983.
- Social Services and Well-being (Wales) Act 2014.
- Human Rights Act 1998.
- Data Protection Act 2018.
- 2018 Working Together to Safeguard Children Statutory Guidance.
- Turnell, A. and Edwards, S. (1999). Signs of Safety: A safety and solution-oriented approach to child protection casework, New York: WW Norton.
- 2002 Department of Health Common Assessment Framework for Children and Families in Need.
- United Nations Convention on the Rights of Children and Young Persons 1989
- Children and Young Persons (Wales) measure 2011.
- Homelessness law and policy.

Appendix 2. Family connections

Sometimes, when discussing the welfare considerations that result from the new powers of the Police Act, it is important to develop an overview of family connections. In the example below, a rudimentary sketch of an unauthorised campsite has been provided. For welfare and impact considerations to be known, understanding which families live where can be important, particularly if the outcome of the conversation is being used to inform an appeal or to substantiate a conclusion that the act of eviction represents significant harm to the individual, family or community.



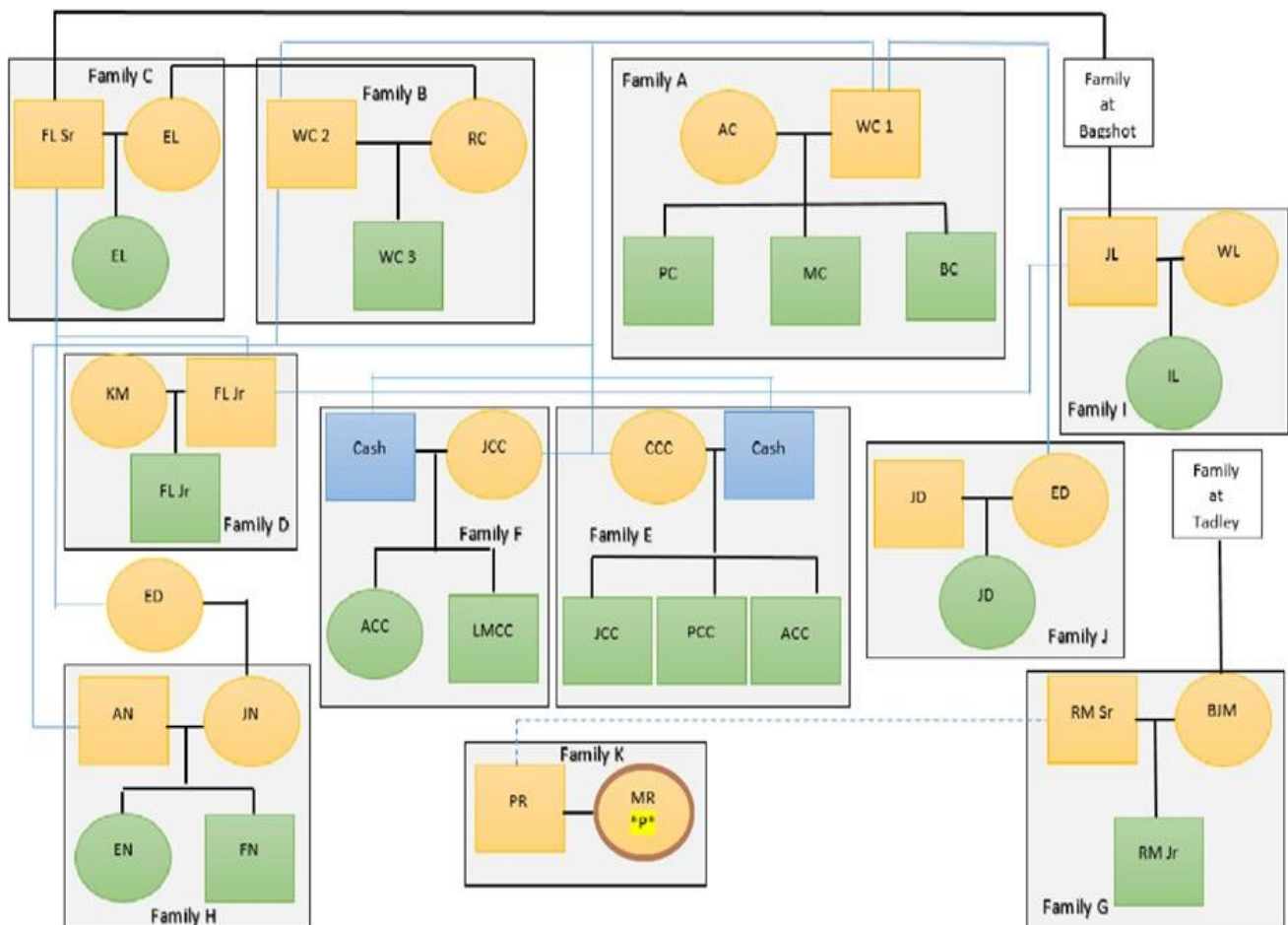
Once the site has been sketched; it is good practice to map family connections. Consistent with eco-mapping techniques, the following diagram shows how family connections can be illustrated.

In the below example, males are represented by squares and females

are represented by circles. Adults are indicated with the colour orange and children (those under 18 years) are coloured green.

The female in Family K is presented as a green circle filled in with Orange. This is because the female is 17 years old, pregnant but married. The Males in Family E and F are coloured in blue to represent their position as the nominated lead contacts who can help to schedule conversations with other community members.

To indicate family connections, a strong black line indicates immediate family related by birth or marriage. The thin blue line indicates immediate family such as grandparents, great-grandparents, grandchildren, great-grandchildren, aunts, uncles, siblings-in-law and cousins. A dotted line indicates a close friendship.



When describing welfare considerations, always try to map family connections so that a court can better understand the nature of support that other family members offer to one another within the community. Although individual family summaries are important,

understanding and illustrating 'the system' within which family operates, as a community, is essential. This illustration example above could enable you to explain to the court how the community offers a mechanism of mutual support in matters related to mental health, social support, and childcare. This explanation could also enable you to substantiate the reasons why eviction represents a public health concern that might push families into crisis. The known impact of the potential disruption that eviction might have in this 'system' might also enables you to describe existing protective factors provide evidence that can lead to a more proportionate decision.

Appendix 3. Signs of Safety®

The Signs of Safety® model began in the 1990's. It was developed by Andrew Turnell and Steve Edwards (Turnell, 2012) drawing on solution-focused therapy and the experiences of families. It is now a comprehensive and mature approach that is being implemented all over the world.

Signs of Safety® continues to evolve within its core framework reflecting innovation by those who use it in varying places and applications. Used within a Police, Crime, Sentencing and Courts Act Welfare and Impact Conversation Template, Signs of Safety can be extremely helpful in transforming an understanding of welfare considerations, policy, learning and leadership.

Signs of Safety® is an integrated framework for how to understand welfare and risk. A range of tools for conversations and decision making can be used but the main models adopted in the Police, Crime, Sentencing and Courts Act Welfare and Impact Conversation Template are the “three columns” approach and a “scaling question”. One further approach that could be used in this assessment, depending on the circumstance and confidence of the assessor, is the three houses model, or adapted for relevance, the "three trailers" model:



The “three trailers” model, an idea developed by Michael Ridge, is a resource that can be widely used to help a child identify things in their life they feel positive about, things they are worried about, and to explain what their hopes dreams and aspirations are.

Whilst this technique is often used by social workers in a child protection setting, it can be readily adapted for working with children

and families facing challenges associated to the new powers contained within the Police Act. For this reason, the "three trailers" model is recommended for use wherever possible.

Police, Crime, Sentencing and Courts Act Welfare and Impact Assessment: Good Practice Guide

This Good Practice Guide has been written by the Gypsy, Roma and Traveller Social Work Association (GRTSWA). Founded by Romani and Traveller social workers, the aim of this organisation is to provide a practice, policy and research response to the challenges faced by Gypsy, Roma and Traveller communities. This Good Practice Guide is written by Gypsy, Roma and Traveller social workers for Gypsy, Roma and Traveller people.

We hope that this Good Practice Guide provides you with an introduction to the Police, Crime, Sentencing and Courts Act and that it establishes a solid basis for the better understanding of welfare considerations that might result from local authority and police action.

To find out more about the Gypsy, Roma and Traveller Social Work Association, and the work needed to develop welfare and impact assessments, scan the QR code below.



The GRTSWA supports the Anti-Racist (Wales) Action Plan which recognises that safe, culturally appropriate accommodation is necessary for individuals to flourish in other parts of their lives and to address the lack of site provision and poor quality of Gypsy, Showmen and Traveller accommodation in Britain with a series of meaningful actions to achieve this goal.