



Cheshire & Warrington Traveller Team



Community of Practice Training and Research Event Summary Report

Advancing best practices with Gypsy, Roma and Traveller people subject to restrictive care plans under Deprivation of Liberty Safeguards.

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26th April 2024

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Acknowledgements

The authors would like to thank Tom Cox and Dawn Taylor for providing the opportunity to develop best practices with Gypsy, Roma and Traveller people subject to restrictive care plans under Deprivation of Liberty Safeguards. Without the commitment of Cheshire East Council and Cheshire and Warrington Traveller Team, this work would not have been possible.

The authors would also like to thank the brilliant professionals who generously devoted their valuable time to reflect on the challenges and lead the transformative approaches to practice set out herein. Their insight and commitment to anti-racist practice have been instrumental in advancing this crucial area of practice.

This publication was funded by Cheshire East Council, but the content of this publication is the sole responsibility of the authors.

Executive Summary

While the Best Interests Assessor is responsible for assessing mental capacity for issue-specific decision-making, related to implementing the Deprivation of Liberty Safeguards, knowledge of how to assess the best interests of Gypsy, Roma and Traveller adults has not been advanced in equal depth. A ground-breaking community of practice training and research event held on the 25th of April 2024 started the process of developing this knowledge. This report provides a summary of that event.

Key Findings

- **Barriers and Opportunities:** Challenges to the Best Interests Assessment include systemic racism, lack of guidance, language barriers, and limited access to services. Opportunities lie in cultural sensitivity, community engagement, appreciative enquiries, cultural humility and sharing good practices.
- **Training Needs:** Training for Best Interests Assessors and allied professional groups should cover cultural awareness, language skills, trauma-informed practices, restorative supervision, reflexivity and ways to empower Gypsy, Roma, and Traveller communities.
- **Accessible Information:** Information about Best Interests Assessments and Deprivation of Liberty Safeguards must be made more accessible, helping to promote transparency and cultural sensitivity. Information to individuals, families and communities should be recorded with audio descriptions subject to full equality impact assessments.
- **Professional Practice:** At all times the Best Interests Assessment should underscore the importance of promoting social justice by empowering communities through evidence-informed and culturally sensitive assessments. At all times, good practice frameworks should promote the participation of the community and centralise the ability of individuals and families who have been impacted by Deprivation of Liberty Safeguards to transform the system and the policies that affect their lives.

Introduction

Best Interests Assessors work within the Mental Capacity Act 2005 (MCA), the Mental Health Act 1983 (MHA), the Deprivation of Liberty Safeguards (DoLS, MCA 2005), and their respective codes of practice, and the Human Rights Act 1998 (HRH) to ensure that decisions which affect their liberty of people are taken with full reference to their human rights and to safeguard their best interests (Deprivation of Liberty Safeguards).

The primary goal of a Best Interests Assessment is to accurately reflect individual circumstances, foster independence, and ensure the protection of people from significant harm. Central to this process is the active engagement of the individual, where the Best Interests Assessor must attentively listen to and consider their wishes and feelings, whether they are explicitly expressed or not.

Although the need to accurately represent the wishes and feelings of the person subject to Deprivation of Liberty safeguards is mandated by the European Convention on Human Rights and the Mental Capacity Act, the knowledge, values and skills needed to engage Gypsy, Roma and Traveller people has not been considered in equal depth. This gap results in a deficiency in the application of theory-informed approaches to support Best Interests Assessments with this community of communities.

The unique objective of the Communities of Practice project is to address and rectify this gap by enhancing the understanding and methodologies used in Best Interests Assessments concerning Gypsy, Roma, and Traveller adults. Through this initiative, this project aims to fortify the knowledge base and improve the practice of Best Interests Assessments ensuring that the rights, dignity, and unique needs of Gypsy, Roma and Traveller people are properly recognised, respected and accurately represented.

Method

Utilising a community of practice framework, this project facilitated a collaboration event between specialised social workers and community workers in a workshop that thoroughly evaluated the care and treatment of Gypsy, Roma, and Traveller people and Best Interests Assessment processes. The community of practice workshop consisted of thirty-one professionals directly involved in conducting Best Interests Assessments for Gypsy, Roma, and Traveller communities.

The primary goal of a Best Interests Assessment is to accurately reflect individual circumstances, foster independence, and ensure the protection of service users from significant harm.

Through dynamic discussions on educational approaches, training methodologies, policy implications, and practical community engagement strategies, participants collectively formulated models for best practices. These models prioritised cultural sensitivity while ensuring the applicability and relevance of good practice across England and Wales.

To enhance the work of Best Interests Assessors within the frameworks of the Mental Capacity Act 2005 (MCA), the Mental Health Act 1983 (MHA), the Deprivation of Liberty Safeguards (DoLS, MCA 2005), and the Human Rights Act 1998 (HRA), the Community of Practice Workshop advanced a series of recommendations for training, policy and practice described herein.

How are Deprivation of Liberty Safeguards and Best Interests Assessments viewed by members of the Gypsy, Roma and Traveller communities?

With no known body of research available, the community of practice commenced by acknowledging the inherent distrust some Gypsy, Roma, and Traveller individuals may feel towards mental health and social care services. Recognising the impact that racism, oppression, and coerced assimilation projects have had on Gypsy, Roma and Traveller communities, the group began to describe the pervasive deprivation of civil liberties experienced by many of these people, both historically and in the present day. The group agreed that the unique culture, heritage, language, customs, and traditions of these communities also often remain misunderstood and misrepresented in health and social care services and wider society.

Considering the widespread inaccessibility of mental health and social care services for Gypsy, Roma, and Traveller populations, the group agreed that the involvement of the Best Interest Assessor could be perceived by some as a violation of their right to private family life, potentially fuelling hostility and tension between families and professionals. Given that these services are often sought during periods of crisis, the group described the risk of confusion regarding the role and scope of the Best Interest Assessor, with some people interpreting direct intervention as an additional manifestation of state control—a further imposition threatening the cultural autonomy of Gypsy, Roma, and Traveller people. For this reason, assessing the Best Interests of Gypsy, Roma, and Traveller people presents both barriers and opportunities, reflecting the complexity of cultural dynamics and systemic challenges. Table 1 below presents some consideration of those key factors.

Their unique culture, heritage, language, customs, and traditions often remain misunderstood and misrepresented by broader society.

Table 1: Best Interests of Gypsy, Roma, and Traveller people: barriers and opportunities

Barriers	Opportunities
<ul style="list-style-type: none"> ▪ Systemic and structural racism. ▪ Historical marginalisation and discrimination has fostered deep-seated mistrust of healthcare and social services, among Gypsy, Roma, and Traveller communities. ▪ Lack of formal guidance and policy frameworks for individuals and families who are nomadic. ▪ Limited understanding of how to include family members. ▪ Limited confidence to speak to family members. ▪ Assessment templates that do not always enable an accurate or in-depth understanding of the wishes and feelings of Gypsy, Roma and Traveller people. ▪ Assessment forms and processes that confuse individuals and families. ▪ Language barriers can impede effective communication and hinder the accurate assessment of their best interests. ▪ Limited access to healthcare and social services due to systemic barriers, including geographical isolation and lack of culturally sensitive services can obstruct timely and appropriate assessments. ▪ Racism among service providers may lead to misunderstandings, misinterpretations, and inadequate consideration of the cultural nuances influencing the best interests of Gypsy, Roma, and Traveller individuals. ▪ Legal frameworks and policies may not adequately reflect the cultural diversity and specific needs of these communities, potentially resulting in assessments that do not fully align with their values and preferences. ▪ Uncertainly about the role of community advocacy. ▪ Not enough time to complete assessments. ▪ Limited opportunity for team learning reflection, debriefing and feedback. ▪ Uncertainly about the Relevant persons Representative. 	<ul style="list-style-type: none"> ▪ Improve social work training and education to include Gypsy, Roma and Traveller people. ▪ Developing and implementing culturally sensitive services that are accessible and responsive to the needs of Gypsy, Roma, and Traveller communities and support interventions that promote their best interests. ▪ Community members enabled to help manage care provision. ▪ Establishing community models of practice that can build relationships with key professionals. ▪ Completing the assessment at the pace of the family. ▪ Collaborating with community leaders, cultural mediators, and representatives from relevant organisations to enrich the assessment process by incorporating diverse perspectives and expertise. ▪ Identifying and sharing good practices. ▪ Understanding how the Best Interest Assessment and Deprivation of Liberty can take power away from people. ▪ Understanding how the Best Interest Assessment and Deprivation of Liberty can give power to people. ▪ Applying anti-racist and anti-oppressive approaches. ▪ Recruiting Gypsy, Roma and Traveller people as social workers and Best Interest Assessors ▪ Families choosing their interpreter. ▪ Building trust with the family. ▪ Taking time to challenge internalised prejudice by listening to people. ▪ Advocating for reforms to legal and policy frameworks to better accommodate the cultural rights and preferences of Gypsy, Roma, and Traveller individuals. ▪ Address systemic barriers and promote more equitable assessments of their best interests.

What needs to be done to develop Best Interest Assessments for Gypsy, Roma and Traveller people?

The group agreed that new approaches to community development are needed to ensure that Best Interests Assessments can focus on ways to promote well-being, empowerment, and social justice within Gypsy, Roma and Traveller communities. Rather than working primarily with individuals or families during a crisis, the group explained that more must be done to engage entire communities to address social issues, enhance community assets, and strengths, and facilitate positive change.

It was agreed that community development work should include a wide range of activities, including the diversity of leadership, community organising, Best Interests Assessment planning and evaluation events, policy advocacy, and social research. Here community engagement work should emphasise the importance of engaging people in a participatory and culturally sensitive manner, recognising their expertise, assets, and aspirations through an appreciative inquiry. Ultimately, Best Interests Assessors require support practice guidance on how to empower Gypsy, Roma and Traveller communities to create sustainable change and improve Deprivation of Liberty Safeguards. To do this, the following organisational actions were identified.

Increase diversity within the workforce.

Upgrade information technology systems so that a pen picture, articulating an individual's ethnicity, cultural identity and interests, can be developed.

Identify named Gypsy, Roma and Traveller Champions within teams who can support community engagement activities, learning and training.

Invest in reverse mentoring opportunities where Gypsy, Roma and Traveller people can advise or act as critical friends throughout the Best Interest Assessment processes.

Facilitate drop-in sessions (let's talk services) for Gypsy, Roma and Traveller people.

Apply Action Research techniques that enable teams and practitioners to convert community feedback into action.

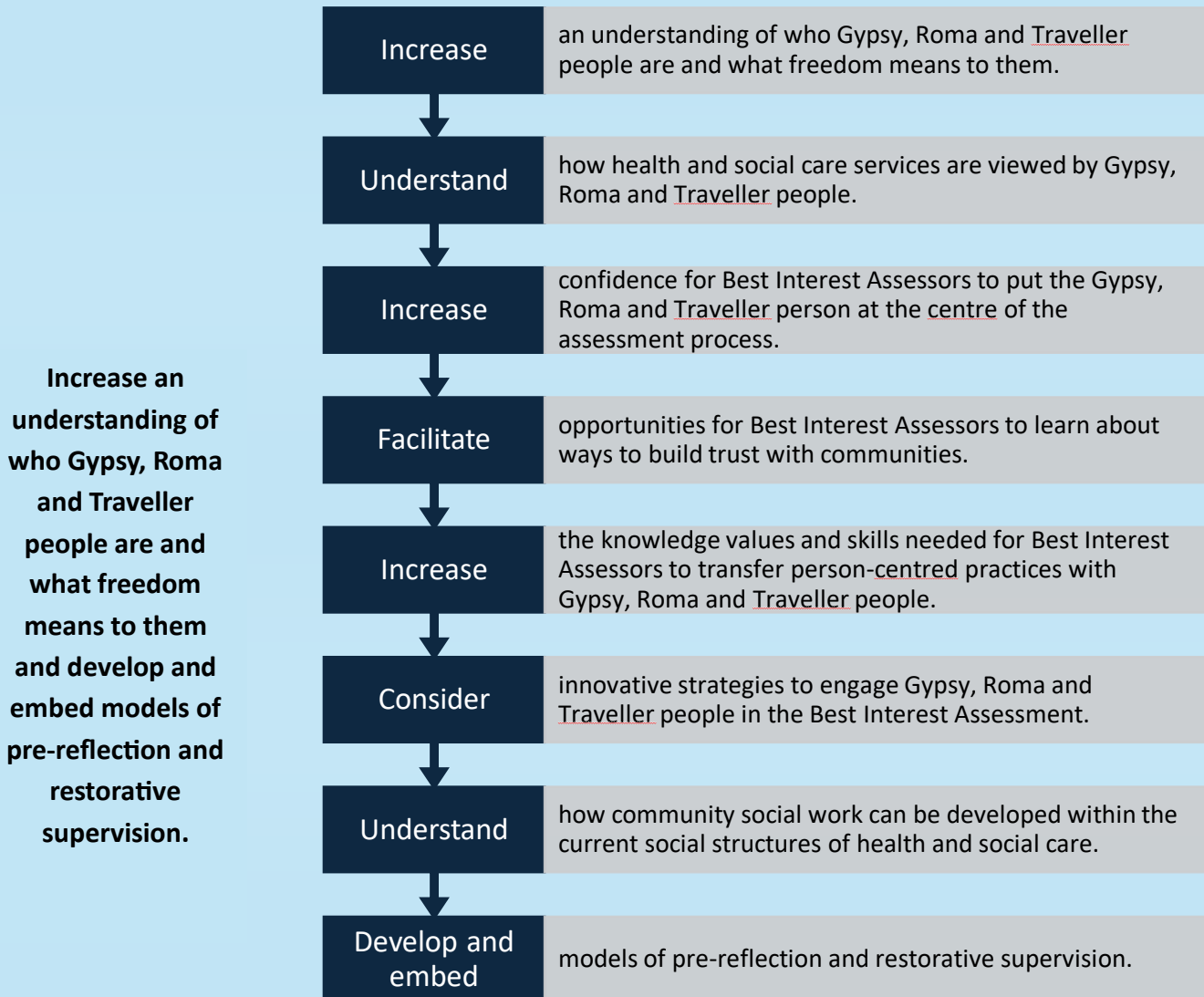
Enable staff to attend a Special Interest Group so that good practice can be shared between agencies.

Include Gypsy, Roma and Traveller people in equality impact assessments and race equality strategies.

Their unique culture, heritage, language, customs, and traditions often remain misunderstood and misrepresented by broader society.

Training needs

In addition to the recommendations for organisational action, the group felt that the following education and training was required to improve their approaches to Best Interests Assessments with Gypsy, Roma and Traveller people:



Within this training needs analysis, information emerged to highlight the need to develop culturally sensitive community advocacy and understand the role of the Relevant Persons Representative. Further training needs were identified to help support culturally sensitive approaches to assessment, including appreciative inquiry and strategies to develop learning and evidence-informed cultures within health and social care teams.

In addition to these areas for continuous professional development, the group agreed that specific training was also required in the following areas for Gypsy, Roma and Traveller communities.

Roma

How to work with interpreters.

How to say basic phrases in Romanes.

How to develop a network of community advocates and interpreters.

How to discuss history, heritage, diversity and difference.

How to share best practice.

Gypsies

How to understand Romani words and the principles of Romanipen.

How to understand the cultural differences and nuances between British Gypsy people.

How to recognise the challenges for those living on encampments and those living in a house.

Irish Travellers

How to demonstrate empathy, cultural humility, and a commitment to social justice.

How to build rapport through active listening, clear and respectful communication, and sensitivity to non-verbal cues.

How to represent the history, heritage and culture of Irish Traveller people.

How to apply trauma-informed practices.

How to understand Romani words and the principles of Romanipen and how to demonstrate empathy, cultural humility, and a commitment to social justice.

The group felt that Best Interests Assessors can work more effectively within existing legal frameworks to safeguard the rights and best interests of individuals subject to assessments under the Mental Capacity Act 2005, the Mental Health Act 1983, and the Deprivation of Liberty Safeguards, while also upholding their human rights under the Human Rights Act 1998, if the key information was accessible to individuals, families and communities.

Accessible information

In addition to the organisational actions and identified training requirements, the group reached a consensus on the critical importance of accessible information within the framework of Deprivation of Liberty Safeguards. They emphasised the point that information must be accessible to individuals, families, and communities and must undergo thorough review to enable informed decision-making among Gypsy, Roma, and Traveller communities. A review of the following information is necessary to mitigate vulnerability, enhance transparency, and ensure cultural sensitivity throughout the safeguarding process.

information must be accessible to individuals, families, and communities must undergo thorough review to enable informed decision-making among Gypsy, Roma, and Traveller communities.

Lasting power of attorney and decision-making

The role of the Best Interests Assessor

Advocacy, proportionality of decision-making

Natural justice and the complaints procedures

Risk and safeguarding

What is an unwise decision

How people can be safe but miserable

Next steps

While actions, education, training and improved communication might help to enable Best Interests Assessors to attentively listen to and consider the wishes and feelings of Gypsy, Roma and Traveller people, these actions are unlikely to achieve equality on their own. It is important to remember that Gypsy, Roma and Traveller people experience extreme socio-economic deprivation and inequality. Generations of people have experienced chronic racism and state violence. Communities living in areas of concentrated disadvantage may have much lower regard for Mental Health services and Best Interests Assessors. Such communities might also experience conflict because they are blamed for hardships that stem from structural inequalities over which they have little or no control. For this reason, the Best Interests Assessors should not be alone in the commitment to promote social justice, social change, social cohesion, and the empowerment of Gypsy, Roma and Traveller people. Government departments, mediators, community activists, policing services, schools, grassroots movements, local stakeholders, and all other health and social care professionals have an important part to play.

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This report is published in English.

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This publication was commissioned and funded by Cheshire East Council.