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AKADÉMIAI KIADÓ

The rights of children from Gypsy/Traveller and Roma backgrounds in Scotland

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THEMATIC ARTICLE

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ABSTRACT

The Scottish Government has a strong commitment to strengthening children's human rights, with the aim of making Scotland 'the best place to grow up and bring up children'. The Education (Scotland) Act 2016 introduced a raft of measures to boost the rights of children with additional support needs (ASN). The programme for government in Scotland, published in September 2020, included a commitment to incorporate the UN Convention of the Rights of the Child into Scottish domestic legislation. In order to examine the extent to which the rights of Gypsy/Traveller children are being respected in practice, this paper draws on an analysis of official statistics conducted as part of an ESRC funded project entitled *Autonomy, Rights and Children with Special Needs: A New Paradigm?* (ES/P002641/1), which ran from 2018 to 2020. In addition, the paper uses findings from an Independent Children's Rights Impact Assessment which was carried out in summer 2020 with a view to investigating the impact of the emergency measures implemented during the Covid-19 pandemic. Under the terms of the Coronavirus Act 2020, schools across the UK were closed, with widespread implications for children and young people, particularly those with additional support needs. The central aim of this paper is to explore the impact of the emergency measures on the recently enhanced rights of children with ASN, with a particular focus on the rights of children from Gypsy/Traveller backgrounds. I conclude that people living itinerant lives experience long-standing exclusion from mainstream schooling and wider society, and their marginal status has been reinforced during the recent pandemic when children's human rights have been side-lined.

KEYWORDS

Roma, Gypsy/Traveller, Showpeople, Additional Support Needs, children's human rights

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INTRODUCTION AND THEORETICAL FRAMEWORK

The Scottish Government has a strong commitment to the strengthening of children's human rights, aiming to make Scotland:

> '(. . .) *the best place to grow up and bring up children. This ambition requires a positive culture towards children. One where children are welcomed and nurtured. One where we are all alert to their needs and look out for them. Where children are listened to, where their views are heard and their rights protected. They should be respected as people in their own right, with rights to a life that allows them to fulfil their potential.*' (Scottish Government, 2017, para 7)

The programme for government published in September 2020 committed the Scottish Government to the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scottish domestic legislation. In this paper, I examine the extent to which this commitment to children's human rights is reflected in the educational experiences and outcomes of children from Gypsy/Traveller backgrounds, focusing on official statistics with regard to attainment and additional support needs (ASN) identification and post-school outcomes. I also explore the impact of Covid-19 emergency measures, introduced in March 2020, on the rights of children from Gypsy/Traveller backgrounds.

In its official policy on Gypsy/Travellers, the Scottish Government tends to emphasise their cultural distinctiveness and right to self-determination. A report on improving outcomes for Gypsy/Travellers, for example, notes their common cultural features including:

> '(. . .) *a belief in the importance of extended family bonds and family descent. A preference for self-employment, and a strong commitment to a nomadic lifestyle. Other cultural preferences, including a tendency to marry within the community, a choice many families make to withdraw children from school at an early age, or not engaging with formal education at all, were and are ways of maintaining their cultures and lifestyles as different from non-Traveller settled communities.*' (Scottish Government, 2018, p. 7)

It is interesting to note the Scottish Government's emphasis on the 'cultural preferences' of Gypsy/Traveller families, including the 'choice' of withdrawing their children from school. This is at variance with the government's commitment to the child's autonomous rights, including their right to education, which is one of the central principles of the United Nations Convention on the Rights of the Child. Scottish legislation emphasises the parent's legal duty to ensure that their child is educated, and the duty of the local authority to provide an education for every child. Parents may fulfil their duty by home educating their child, referred to as 'education otherwise', but such education would be expected to cover the normal school curriculum. It would appear that in the case of Gypsy/Travellers, the child's right to an education is assumed to be overridden by a family's right to cultural self-determination. Furthermore, the Scottish Government appears to place greater priority on cultural separation, rather than integration, which is the focus of European policy in relation to Roma people. There appears to be an assumption in Scotland that the rejection of formal education by some Gypsy Travellers may be regarded as a positive lifestyle choice, rather than a consequence of stigmatisation and exclusion.

In order to understand official policy on Gypsy/Travellers in Scotland, I draw on debates between proponents of the politics of difference (Honneth, 1995; Young, 1990) and the politics of (re)distribution (Fraser, 1997; Phillips, 2004). In brief, the politics of difference suggests that the emphasis should be on recognising and supporting cultural identity and diversity, whereas the politics of (re)distribution emphasises the importance of equalising social and economic outcomes, even if this involves some degree of cultural homogenisation. These issues are returned to in the conclusion.

BACKGROUND AND TERMINOLOGY

In this section, I provide a brief overview of the terminology used to describe the main groups comprising the travelling community in Scotland, subsequently drawing a comparison with European terminology.

Scottish Gypsy/Travellers

The Gypsy/Traveller community in Scotland is estimated to include about 20,000 people, although in the Scottish Census of 2011 only 4,000 people identified themselves as Gypsy/Traveller. The population is extremely diverse (Lloyd & McCluskey, 2008; Scottish Government, 2018), including groups who may emphasise their difference from rather than similarity to others. The Scottish Government stresses the importance of self-identification for all minority ethnic groups including Gypsy/Travellers, but at the same time uses bounded categories for a range of administrative purposes. The 2011 Scottish Census found that 84% of Scotland's population reported their ethnicity as 'White: Scottish' and a further 8% as 'White: Other British'. Together, minority ethnic groups and white non-British groups (which include 'White: Irish', 'White: Polish', 'White: Gypsy/Traveller' and 'White: Other white') made up 8% of the total population. Under the terms of the Equality Act 2010, discrimination on grounds of race/ethnicity is prohibited. Gypsies/Travellers and European Roma are recognised as distinct ethnic groups and are therefore, at least in theory, subject to legal protection.

Showpeople

The Scottish Government recognises Showpeople as a distinct sub-group of the travelling community who have been involved in running fairs since the Middle Ages http://scottishshowmensguild.org/fairs.html. For example, the Links Market in Kirkcaldy, Fife was established in 1,304 and the Glasgow Fair dates from 1,190. Many Scottish Showpeople have permanent homes in the east end of Glasgow and in Edinburgh, commuting to fairs in Scotland, the rest of the UK and Europe. A 2018 Scottish Government report on the educational outcomes of Travellers noted that the modern business of running fairgrounds could not be conducted without a general education, 'which explains why education has always been valued by the community and why Showpeople have such a long history of engagement with the Scottish education system' (Scottish Government, 2018, p.7). The report also commented on the fact that living in permanent yards made school attendance easier for children and young people from families involved in fairground businesses.

European Roma

In 2004 and 2007, EU enlargement[1] enabled many Roma to come to the UK. Families travelled for a variety of reasons including the desire to find work, obtain an education for their children and escape violence and persecution in their country of origin. It is estimated that about 4,000 Roma, mainly of Romanian and Slovakian heritage, live in the Garnethill area of Glasgow (Sime, Fassetta, & McLung, 2014), with some families returning to their country of origin during the summer months. In their qualitative study of Roma people living in Garnethill, Sime et al. (2014) noted that community members tend to adhere to traditional gender roles. Roma men tended to work outside the home, often in low paid and casualised employment, while Roma women were often home-based. Many Big Issue[2] sellers in Glasgow are of Roma heritage, and in order to improve English skills, the magazine runs language classes which are obligatory for non-English speakers. Exploring factors associated with engagement with public services, including education, (Sime et al., 2014) reported families' experiences of the local school system were generally positive, but that they often lacked the education, knowledge, skills or opportunities to engage fully. Families also reported some hostility from the local community, as well as occasional hostility from other Traveller groups who might see them as competitors.

EU POLICY ON THE ROMA COMMUNITY

Roma people make up the largest ethnic minority group in Europe, but in many member states they experience poverty, violence and social exclusion. In its official policy rhetoric, the EU expresses a strong commitment to their social and economic integration, and explicitly opposes the provision of segregated public services in areas such as education Chopin (Chopin, Germaine, & Tanczos, 2017) identified some of the factors contributing to the failure in many member states to implement anti-discrimination legislation. These include deeply ingrained social prejudice, a lack of data and a tendency to cluster Roma children in special schools, classes and low status mainstream schools. In a 2010 publication, the European Commission informed member states that:

> '*Roma issues should be systematically mainstreamed into all relevant European and national policies. Policies which maintain or promote the segregation of Roma communities or the provision of segregated housing, education or other services for Roma should be ended. This does not however preclude the provision of targeted or positive action measures as permitted in the relevant EU legislation.*' (European Commission, 2010)

To summarise, there is a dissimilarity in the terminology employed in Scotland, where the over-arching term Gypsy/Traveller is generally used, and by other European countries, where the term Roma is used. In the following section, I outline the sources of evidence used in the paper, before presenting data on educational experiences and outcomes, and what these tell us

[1]The following counties acceded to the EU in 2004: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. Romania and Bulgaria joined the EU in 2007.

[2]The Big Issue is a street newspaper founded in 1991 and is one of the UK's leading social businesses. It exists to offer homeless people, or individuals at risk of homelessness, the opportunity to earn a legitimate income, thereby helping them to reintegrate into mainstream society.

about respect for the fundamental human rights of Travellers in Scotland. Finally, I consider the likely impact of the emergency measures associated with the Covid-19pandemic on children of Gypsy/Traveller heritage.

SOURCES OF EVIDENCE AND METHODS

In order to assess the social position and human rights status of children of Gypsy/Traveller heritage in Scotland, this paper uses two sources of evidence. Firstly, I draw on findings from an ESRC funded project entitled *Autonomy, Rights and Children with Special Needs: A New Paradigm?* (ES/P002641/1), conducted by researchers at the Universities of Edinburgh and Manchester which explored the material impact of the new rights legislation on children with additional support needs. The Education (Scotland) Act 2016 introduced a raft of measures to strengthen the rights of children with additional support needs (ASN), guaranteeing their right to participate in all major decisions affecting their lives, and providing them with opportunities to seek redress through independent adjudication or by making a reference to the ASN tribunal (Riddell, 2020; Riddell & Carmichael, 2019). The Table 1 below summarises the additional rights.

Secondly, the paper refers to findings from an Independent Children's Rights Impact Assessment, which was carried out in summer 2020 with a view to investigating the impact of the emergency measures implemented during the Covid-19 pandemic. Under the terms of the Coronavirus Act 2020, schools across the UK were closed, with widespread implications for

Table 1. Summary of new rights accorded to children (aged 12–15) and young people with additional support needs, including those with interrupted learning, in Scotland (post Education (Scotland) Act 2016)

Right to ask local authority to:	Right regarding information and advice:
Find out if they have Additional Support Needs (Children)	About their Additional Support Needs (Children)
Request a specific assessment (Children)	Receive a copy of the Co-ordinated Support Plan (Children)
Find out if they need a Co-ordinated Support Plan (Children)	Be told about decisions about their rights (Children)
Ask for a Co-ordinated Support Plan to be reviewed (Children)	Be asked if they are happy for information to be shared when they leave school (Children)
Rights regarding having their views heard and considered:	Right to be involved in resolving disagreements and disputes:
Be involved in decisions about their support (Children)	Ask for independent adjudication (Children)
Access to support and advocacy to have their views heard (Children)	Make a reference to the First tier Tribunal (Children)
	Attend tribunal and have views heard and considered (Children)
	Opt for mediation (Young people only)
	Be asked for their views during mediation (Children)

children, and young people, particularly those from Gypsy/Traveller backgrounds who were already marginalised within the education system.

EDUCATIONAL ATTAINMENT AND OUTCOMES OF SCOTTISH PUPILS FROM GYPSY/TRAVELLER BACKGROUNDS

This section of the paper uses Scottish Government official statistics which were analysed as part of our ESRC project. Some of these data were already in the public domain, and some were obtained as a result of a special request. They reveal a great deal about the way in which the education system, while seeking to support the children of Gypsy/Traveller heritage, may in some ways contribute to their further marginalisation.

School attendance

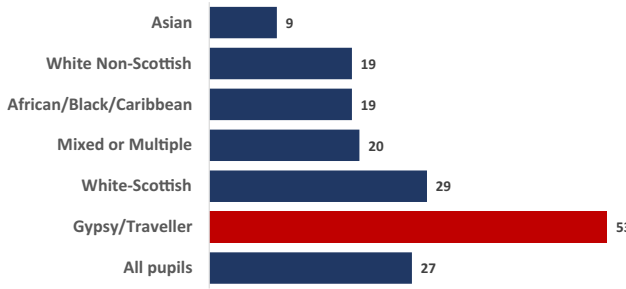
The Scottish Government acknowledges that there is no official record of the number and proportion of Scottish children from Gypsy/Traveller backgrounds with regard to school enrolment (Scottish Government, 2018). This is indicative of the extent to which a desire to protect the cultural autonomy of this group may be detrimental to children's rights, since local authorities would normally be expected to follow up children who are out of school to ensure that they are being educated. As shown in Fig. 1, Gypsy/Traveller children who are enrolled in school have the lowest attendance rate of any ethnic group (78% as opposed to 93% for White/Scottish children).

Gypsy/Traveller pupils also have a high rate of exclusion compared with pupils from other ethnic groups (see Fig. 2). The rate of exclusion for Gypsy/Traveller pupils is 53 per 1,000 pupils, compared with 9 per 1,000 Asian pupils and 29 per 1,000 White/Scottish pupils).

Given the strong association between school attendance and educational attainment, it is unsurprising that even those enrolled in school have disproportionately high rates of additional support needs identification, and disproportionately poor educational outcomes (see below).

Source: Scottish Government 2018
Note: Data only include pupils enrolled in schools.

Fig. 1. School attendance by ethnicity



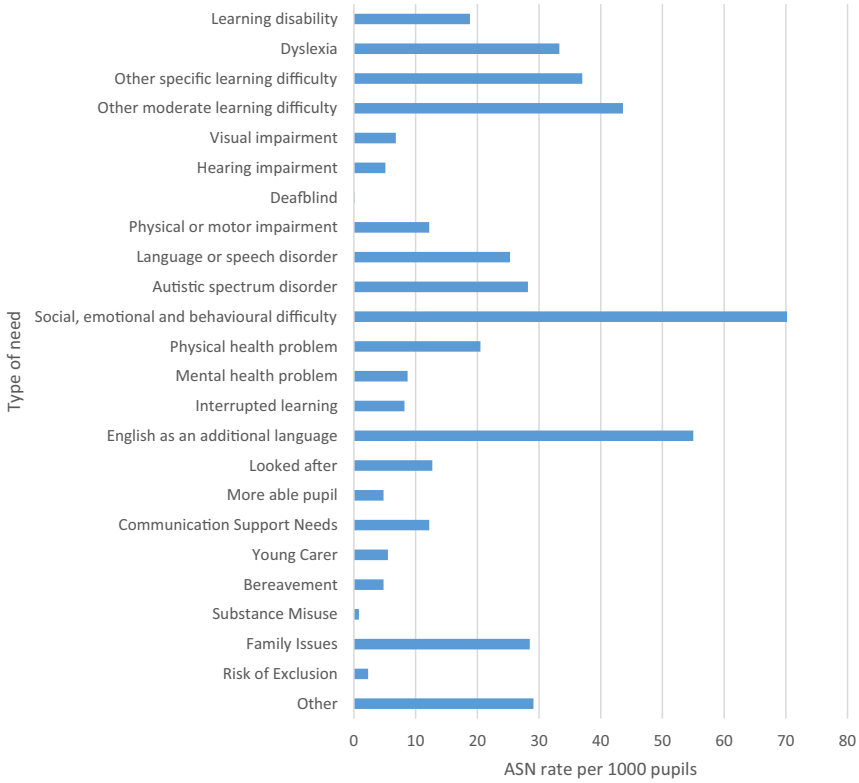
Source: Scottish Government 2018
Note: Data only include pupils enrolled in schools.

Fig. 2. School exclusion by ethnicity (rate per 1,000 pupils)

Identification with ASN

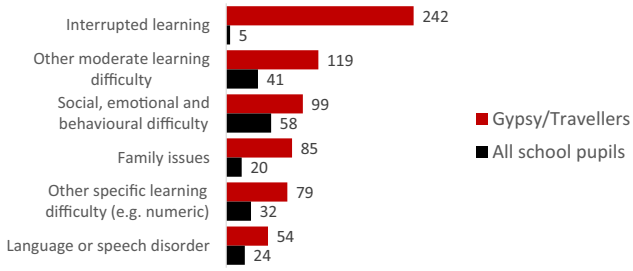
The overarching category of additional support needs replaced the term special educational needs in Scotland as a result of the Education (Additional Support for Learning) Act 2004. Children are deemed to have ASN if they have greater difficulty in learning than their peers for any reason. Whereas the previous category of SEN focused on physical and sensory impairments, physical disabilities and social emotional and behavioural difficulties, a raft of new categories was added following the introduction of the 2004 legislation. In 2007, only twelve official categories were used, but by 2019 the number had mushroomed to twenty four. Some categories, such as interrupted learning and English as an additional language, were particularly controversial because they seemed to assume that certain groups, including Gypsy/Traveller children and recent immigrants, should be assumed to have additional support needs. While the application of the label ASN was regarded as helpful by the Scottish Government, it was equally likely to be discriminatory if it simply led to the imposition of a 'spoilt identity' on children already struggling with a range of social problems and delivered little in the way of extra resources. Over the past decade, there has been a large increase in special needs identification in Scotland, with around 5% of children identified as having ASN in 2007, rising to 31% in 2019. Because of the historical association between categorisation and social exclusion (Florian & McLaughlin, 2008; Riddell, 2012), the attachment of specific ASN labels to individuals and groups is highly contested. In the UK and Nordic countries, efforts have been made periodically to replace individual categories of difficulty with one over-arching category, but this has proved difficult not least because of lobbying by parents and voluntary organisations. Figure 3 show the categories currently used in Scotland and the rate per 1,000 pupils.

Although the label interrupted learning is attached to a relatively small number of pupils (about eight per thousand), Children from Gypsy/Traveller backgrounds are over-represented in certain categories, particularly those with some degree of stigma, such as social emotional and behavioural difficulties and family issues (see Fig. 4). As noted earlier, the large and expanding category of social emotional and behavioural difficulties is frequently associated with social stigma and increased risk of school exclusion, and for these reasons is often resisted by parents (Riddell & Weedon, 2016).



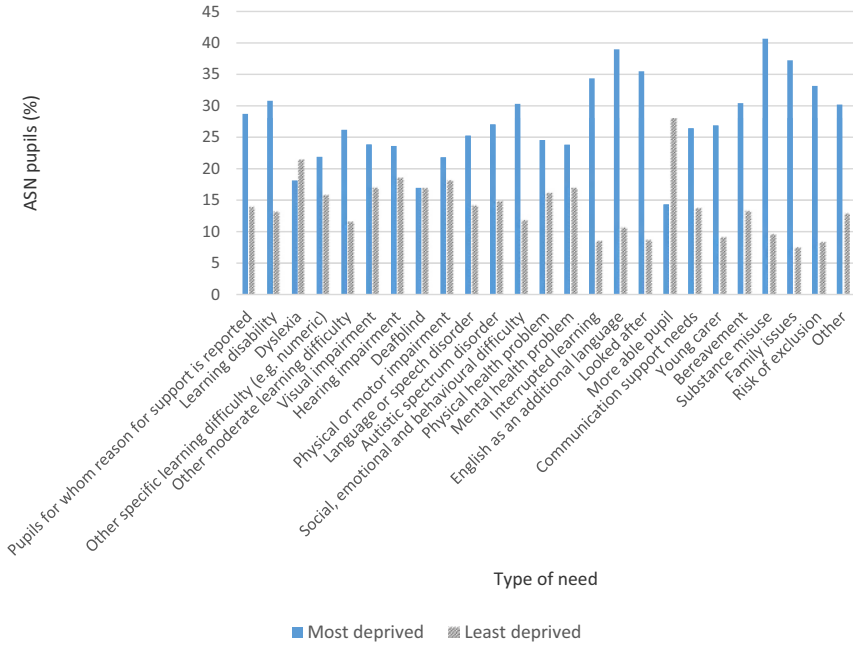
Source: Scottish Government 2020
Note: Data only include pupils enrolled in schools

Fig. 3. ASN categories used in Scotland and rate per 1,000 pupils by category



Source: Scottish Government 2018
Note: Data only include pupils enrolled in schools.

Fig. 4. Rates of additional support needs (per 1,000 pupils) for categories most commonly attached to pupils form Gypsy/Traveller backgrounds and all school pupils



Source: Scottish Government. Pupil Census 2019: special request data.

Fig. 5. Percentage of ASN pupils per category of need in the most and least deprived areas, 2019

The categories are not discrete, and so one child may be counted in more than one category. Figure 5 (below) underlines the strong association between poverty and the use of socially stigmatising labels which are applied disproportionately to Gypsy/Traveller pupils. For example, only 8% of children with interrupted learning (code for Gypsy/Travellers) live in the least deprived neighbourhoods in Scotland, whereas around a third live in the most deprived. This, of course, does not take into account the significant number of Gypsy/Traveller children who are completely unknown to education services because they have never been enrolled in school.

EDUCATIONAL ATTAINMENT

Research has demonstrated a strong association between school attendance and attainment (Department for Education, 2016). Given low rates of attendance and high rates of exclusion, it is unsurprising that Gypsy/Traveller pupils have exceptionally low levels of attainment and subsequently post-school outcomes. Whereas 98% of Scottish school leavers complete their education with at least one qualification at SCQF Level 3, only 76% of Gypsy/Traveller pupils reach this basic level. It should be emphasised that these figures do not include children who are never enrolled in school or leave at an early age after attending sporadically. According to the 2011 census, only 50% of Gypsy/Travellers over the age of 16 have an educational qualification

of some sort, compared with 73% of the wider Scottish population. Given these grossly unequal outcomes, it is evident that Gypsy/Traveller children's right to receive an education on equal terms with others is not being respected. In the following section, I consider the impact of the recent global pandemic on the rights of children in Scotland, including those from Gypsy/Traveller backgrounds.

FINDINGS FROM THE CHILDREN'S RIGHTS IMPACT ASSESSMENT

In February and March 2020, governments across Europe slowly came to recognise the seriousness of the Covid-19 global pandemic. The Coronavirus Act 2020 allowed for the closure of UK schools, which ceased to operate for almost five months between March and August 2020. During this period, there was effectively a suspension of local authorities' duty to educate children and make extra provision for those with ASN. Enhanced rights of participation and redress, acquired by children with ASN (including those with interrupted learning) under the terms of the Education (Scotland) Act 2016, were also suspended.

Although the emergency measures were initially seen as justified due to the scale of the crisis, anxiety was also expressed that public health concerns were leading to a neglect of wider human rights issues (Nolan, 2020). In addition, children's interests did not appear to be featuring in discussion. This was somewhat ironic, since the short-term and long-term consequences of school closure were likely to be severe, but effects of the virus on children appeared to be relatively mild in the vast majority of cases (Scottish Government, 2020a). In order to investigate the implications of the emergency measures for children's human rights, the Scottish Commissioner for Children and young People commissioned an Independent Children's Rights Impact Assessment (CRIA) in summer 2020. The study was conducted by a consortium of university researchers and practitioners and drew on the emerging academic literature as well as research published by third sector organisations. A central aim of the CRIA was to consider the physical, emotional and psychological effects of the Covid-19 pandemic on children, and the extent to which the emergency measures were likely to exacerbate or mitigate existing inequalities. Across a range of domains, detailed reports were compiled, all of which fed into an overview report documenting the impact of the measures on children's human rights (Observatory of Children's Human Rights Scotland & Children & Young People's Commissioner Scotland, 2020).

Following the decision to close schools in March 2020, Scottish local authorities were required to support in-home learning and provide education and childcare for children of key workers and vulnerable children. There was no clear definition of which children should be counted as vulnerable, although it was assumed to include many children identified as having ASN, particularly where child protection issues were involved. Despite the stipulation that hub schools should remain open, only 1% of eligible children attended these schools. Low uptake was attributed to practical problems such as lack of transport and a sense that families wished to avoid the stigma of having their children labelled as vulnerable. Local authorities' normal duties to assess and meet the needs of children with ASN (including those from Gypsy Traveller backgrounds grouped under the 'interrupted learning' heading) were suspended, as long as failure to comply with these duties could be attributed to the Covid- 19 pandemic. Implicitly, the duty on parents to ensure that their child receives an education was suspended. Simultaneously,

local authorities were given additional time to deal with school placing requests, many of which pertain to children with ASN. Changes to placing request regulations meant that many disagreements about school placements could not be resolved for many months after the commencement of the academic year, and parents were obliged to agree to the school suggested by the local authority or keep their child at home until after their appeal was heard. The First-tier Tribunal for Scotland Health and Education Chamber deals with ASN appeals, but changes to tribunal regulations meant that only time-critical cases proceeded, with no face to face hearings and minimal involvement by children and young people. Tribunal hearings were generally dealt with by conference call or by a judge without the input of other members.

Although there is little published research to date, and none specifically with Scottish Gypsy/Travellers, available evidence suggests that parents of children with ASN felt that the emergency measures were enacted with scant regard for the needs and rights of children with ASN and their families. Couper Kenney & Riddell (2021) reported on a series of interviews with families of children with ASN revealing that parents were effectively left to care for and educate their children on their own with little or no help from either teachers or social care staff.

As discussed earlier, the Scottish Government and local authorities tend to take a non-interventionist line when dealing with the autonomous educational rights of Gypsy/Traveller children, implicitly suggesting that the right of parents to withdraw their child from education trumps a child's right to be educated. The availability of some generic on-line learning material is deemed to fulfil local authorities' duties to provide an education (for example, see the on-line material hosted by the Scottish Traveller Education Project at the University of Edinburgh). During the national lockdown, all children in state schools were expected to engage with on-line education, exposing the digital divide between better off and poorer households. Internet access, as well as hardware and software, were often unavailable in-home settings, particularly in low-income households where a mobile phone might be the only digital device available. The ability and willingness of schools to work on-line was also a factor in widening social inequalities. Pupils in state schools located within areas of social deprivation were less likely to have access to on-line lessons compared with those in more advantaged areas (Cullinane & Montacute, 2020; Montacute, 2020). Parents living in areas of deprivation, including many within the travelling community, were often torn between the need to supervise children's home education and the necessity of leaving home to earn a living. Consequently, many children living in poverty did virtually no school work for the entire lockdown period (Major & Machin, 2020).

Although no research was conducted on the particular educational experiences of Scottish Gypsy/Traveller families during the pandemic, it is evident that many of the problems identified in relation to on-line learning would apply equally to them. In general, on-line learning materials are insufficiently differentiated by ability and take little or no account of diverse language needs. For example, some Roma children living in Scotland may have Romanian or Slovakian as their first language, but this possibility is not reflected in the available learning resources. Many Gypsy/Traveller parents may be unable to help their children with home education because they may have been deprived of opportunities to learn and therefore lack basic skills in numeracy and literacy. Over the longer term, there appears to be no recent Scottish research on how Gypsy/Traveller families use on-line learning and how effective it is in practice.

Closure of schools also had an impact on children's health and wellbeing, since services such as physiotherapy, speech and language therapy and psychotherapy, often delivered in educational settings, ceased to operate. In addition, the suspension of free school meals, along with

access to support staff to help with feeding, had particularly adverse effects on the health and wellbeing of children with ASN including Gypsy/Traveller pupils, care experienced children, those living with parents with addiction issues and those acting as young carers.

Another major area of concern was the reduction in services available for children at risk of neglect and abuse. As a result of the emergency measures, there was a reduction in or cessation of services designed to help parents experiencing particular challenges, such as mental health problems, abuse of drug and/or alcohol, and domestic violence. Problems were felt most acutely by families who were already experiencing poverty and overcrowded, unstable or poor-quality housing, and an increase in hate crime was also reported (Scottish Government and COSLA, 2020). With people being at home all the time, the incidence and invisibility of domestic abuse increased in all communities across Scotland, but particularly in those already under stress because of poverty and poor housing (Scottish Government, 2020b). Additionally, children were exposed to more risks online and the possibility of criminal or sexual exploitation (UNICEF, 2020).

To summarise, at the start of the pandemic, sweeping emergency measures were implemented with little scrutiny and without the involvement of children and young people. This exclusion is clearly at odds with many of the provisions of the United Nations Convention on the Rights of the Child, which recognises children's right to have their views heard on all important matters affecting their lives. In the final section, I first summarise the main findings presented above, before linking these to the paper's theoretical concerns.

CONCLUSION

The Scottish Gypsy/Traveller community is highly diverse, and there is an evident disjunction in the language used to describe Travellers in Europe, where they are described as Roma, and in Scotland where the umbrella term of Gypsy/Traveller is used. Furthermore, as in many European countries, there is a dearth of reliable data, not least in the field of education, where the Scottish Government can only estimate the size of the Gypsy/Traveller community and does not have reliable data on the number and proportion of Gypsy/Traveller children who are out of school, having never been enrolled or withdraw at an early stage. The educational opportunities afforded to Gypsy/Traveller children are extremely limited and this is reflected in low attainment, high rates of exclusion and disproportionately high ASN identification. The use of the category 'interrupted learning', applied almost exclusively to Gypsy/Traveller pupils, appears to assume that children from travelling communities should automatically be regarded as having ASN. This, in itself is contentious and potentially discriminatory. It is also worth noting that other stigmatising labels, such as social emotional and behavioural difficulties, are disproportionately applied to Gypsy/Traveller children.

The emergency measures introduced because of the Covid-19 pandemic have had a detrimental effect on the rights of Scottish children, with Gypsy/Traveller children being disproportionately adversely affected by poverty, social marginalisation and poor housing. The inherent problems with on-line learning were revealed, linked to differential access to and ability to use digital resources. On-line learning is the principal medium of instruction available to many Gypsy/Traveller children who are not enrolled in school or who attend infrequently. The provision of on-line resources is used by local authorities to demonstrate that they are observing

their duty to provide education, but low levels of educational attainment among Gypsy/Traveller children indicate that this strategy is failing. Finally, I drew attention to the Scottish Government's view that failing to enrol children in school, or withdrawing them at an early age, should be respected as a cultural preference. This view needs to be challenged, since it disregards the way in which choices are socially structured and ignores the danger of allowing adults to make decisions which effectively over-ride children's rights, in this case the right to education. Defining parents' right to withdraw children from school as a legitimate expression of cultural identity appears to ignore the social structuring of choice and the power relations that underpin the constitution of a social identity. Phillips (2004) argues that where unequal social and economic outcomes are endemic, as is the case of Gypsy/Travellers in Scotland, this should automatically be regarded as an expression of unequal power relations and should therefore be rectified. Given the Scottish Government's commitment to the realisation of children's human rights, it is essential to ensure that material changes are made to educational access and outcomes for Gypsy/Traveller children. A continuation of the status quo would indicate that, despite bold statements, little material change has been achieved.

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