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<b>Report To:</b>	<b>Policy &amp; Resources Committee</b>	<b>Date: 21<sup>st</sup> May 2013</b>
<b>Report By:</b>	<b>Corporate Director, Community Health &amp; Care Partnership</b>	<b>Report No: CHCP-37-2013</b>
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<b>Subject:</b>	<b>Services to Gypsies/Travellers</b>	

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## **1.0 PURPOSE**

- 1.1 To advise members of the outcome of the work carried out by the Short-Life Gypsies/Travellers Working Group, set up by the Council's Safe, Sustainable Communities Committee on 31 August 2011.
- 1.2 To seek approval for a reviewed and updated policy and procedures guide on the management of unauthorised Gypsies/Travellers encampments in Inverclyde.
- 1.3 To seek approval to carry out further works to secure access arrangements to the car park facility at Newark Castle, in addition to works already completed, and to commence work on other sensitive sites to allow their continued use as intended.
- 1.4 To provide an option for the provision of an official transit site and associated services for Gypsies/Travellers in Inverclyde, that will be consulted on and subject to planning approval.

## **2.0 SUMMARY**

- 2.1 Inverclyde Council adopted a policy for managing unauthorised encampments in 2009; this requires review and amendment to reflect experience gathered in this area over past 3 years.
- 2.2 The frequent establishment of unauthorised Gypsies/Travellers encampments across various unsuitable sites has caused disruption and negative comment.
- 2.3 Particularly challenging issues have arisen from the establishment of unauthorised encampments at sensitive sites, which has restricted use of these sites by the general public. Some upgrading works have already been carried out on securing these sites.
- 2.4 It is the view of the Corporate Management Team that the establishment of an official transit site in the area may provide a solution to allow greater harmony in community relations with visiting Gypsies/Travellers to the area, and increase the powers of Inverclyde Council to direct Gypsies/Travellers away from unsuitable sites. The Corporate Management Team therefore agrees in principle that an official transit site should be established at Kelburn Park.
- 2.5 Of the 15 possible locations assessed by the Short-term Working Group, it is the view of the Corporate Management Team that the site at Kelburn Park represents the best possible option. This decision was reached following the need to rule out the site at Harelaw as the landowner is not agreeable. Therefore, the Corporate Management Team believes that a specific section of Kelburn Park could be 'cordoned-off' from general public use and utilised as an alternative option for locating an official transit site. A more detailed overview of the suitability of this site is noted below:

<b>Criteria</b>	<b>Kelburn</b>
<b>Conflict with Settled Community</b>	No adjacent housing. Park used by public, dog walkers etc. Screening could be introduced and public paths kept close to the Clyde walkway – to minimise conflict.
<b>Access</b>	Good access, close to A8 Site access road will need repair work.
<b>Site Condition</b>	Parkland. Hard standing area needed. No services on site.
<b>Ownership</b>	Council Owned
<b>Access to Services</b>	Safe walking to train and bus stop. Some distance from main services.
<b>Acceptability to Travellers</b>	Used frequently by travellers in recent years. Site is on reclaimed ground.

- 2.6 It is however highly likely that any proposal to establish an official transit site will attract strong negative reaction from local communities, and local media regardless of location, and will require sensitive handling.

### **3.0 RECOMMENDATIONS**

- 3.1 To note the work of the Short-term Working Group on Gypsies/Travellers, and the proposals made by the group outlined at section 11 of this report.
- 3.2 To approve the content of the updated Council policy and procedures on the management of unauthorised Gypsies/Travellers encampments, and to formally adopt this policy from 1 June 2013.
- 3.3 To note the upgrading works carried out at Newark Castle and other sensitive sites and approve further measures to secure sensitive sites in Inverclyde in terms of car park and park management rules and regulations, that will be consulted on and subject to planning approval.
- 3.4 To approve the establishment of an official transit site in Inverclyde for Gypsies/Travellers at Kelburn Park as identified by Corporate Management Team.

**Brian Moore**  
**Corporate Director,**  
**Community Health & Care Partnership**

## **4.0 BACKGROUND**

- 4.1 There is currently no official site provision for Gypsies/Travellers in Inverclyde. Inverclyde however remains a popular transit location for Gypsies/Travellers.
- 4.2 This has led to the use of unauthorised sites in the area, many of which have resulted in regular complaints from the general public and elected members. Such complaints tend to relate to alleged incidences of illegal dumping of garden and commercial waste, and unhygienic disposal of human waste.
- 4.3 Inverclyde Council adopted a policy for managing unauthorised encampments on 25 May 2009. This policy currently directs the Council's input of services to such sites, in partnership with NHS and Strathclyde Police. Users of these sites are offered input and assistance with issues surrounding health, wellbeing and education, as well as practical assistance with refuse collection. Staff within these departments carry out such duties as part of their routine work.
- 4.4 In terms of actual numbers of unauthorised encampments, the Council only started recording this in October 2010.
- 4.5 In the period October 2010 to December 2010, there was a total of 5 unauthorised encampments established in Inverclyde. In the calendar year 2011 there were 13, and in the calendar year 2012 to date there have been 10. This has been spread over a total of 8 different sites (Customhouse (Halfords)), Site of former Gantock Hotel (Gourock), Faulds Park, Kelburn Park, Newark Castle, Newark slipway, Parklea and Woodhall. The most recent unauthorised encampment at Woodhall was unusually large in numbers, and the spring/summer of 2012 saw a marked increase in the frequency of encampments being established.
- 4.6 In 2006, independent research carried out by Craigforth Consultants on behalf of local authorities had recommended that Inverclyde Council explore the option of establishing a joint transit facility with 3 neighbouring authorities (Glasgow City Council, Renfrewshire Council and East Renfrewshire Council). Following a series of discussions, it became clear that there was no appetite from neighbouring authorities to develop any such joint proposal. One authority in particular had recently closed down its official permanent site provision.
- 4.7 In 2011, Amnesty International wrote to all 32 Scottish local authorities to raise concerns as to the paucity of services and facilities offered to Gypsies/Travellers and urged local authorities to pursue practical measures to address any shortfall in provision. Councils were asked to explore areas where improvements could be achieved. This letter was responded to in some detail, outlining the terms of the Council's existing policy and guidelines.
- 4.8 The lack of official transit site provision for Gypsies/Travellers in Inverclyde and subsequent use of unauthorised sites for encampments continues to provide a source of friction between the Gypsies/Travellers and settled communities in the area. Whilst privately owned sites are the responsibility for the landowner, the absence of official alternative provision creates considerable obstacles for the Council to take steps to direct Gypsies/Travellers away from Council-owned land designated for other purposes and use by the community in general.
- 4.9 A meeting of the Safe, Sustainable Communities Committee on 30 August 2011 agreed:
  - a) to review of the current policy and procedural guidelines on the establishment of unauthorised encampments by Gypsies/Travellers in Inverclyde.

b) that an across-service working group along with the Police is established by the officer responsible for Gypsies/Travellers liaison (Service Manager – Homelessness), which will in turn make recommendations to the appropriate Council committee on how best to secure sensitive public sites from being used as unauthorised encampments.

c) that options for the establishment of an official transit site are reported back to the relevant Council committee for consideration.

## **5.0 SHORT TERM CROSS-SECTOR WORKING GROUP**

5.1 The Short Term Cross-Sector Working Group consisted of representation from Inverclyde CHCP (Social Work and Health), Inverclyde Council (Safer & Inclusive Communities, Property Services, Education Services, Environmental Services), and Strathclyde Police. The group met formally on 6 occasions. The group has also however been represented on a tour of possible locations for official transit sites throughout Inverclyde; has had discussions with other local authorities and Historic Scotland; has facilitated a consultation/training event with members of the Gypsies/Travellers community, and has examined potential costs/benefits for both transit and permanent sites, and that of securing sensitive sites in the area.

5.2 The findings and proposals noted below reflect the findings of the Short-term Working Group set up to take the issue forward, and provide options on a possible location for an official transit site in the area.

## **6.0 POLICY AND PROCEDURAL GUIDELINES**

6.1 The Policy and Procedural Guidelines on Unauthorised Encampments approved by Inverclyde Council in 2009, has largely served the Council and our partners well. The policy is seen by practitioners as reasonable, fair and progressive. It outlines duties and responsibilities of all partners, and offers practical guidance on how services can be delivered, and how inappropriate sites can be managed in the absence of an official transit site.

6.2 It was agreed however that a review of the Policy and Procedural Guidelines would be helpful in order to use the benefit of experience gained in the past 3 years in developing the document to better reflect the exact nature of service inputs as these have developed. The review also allowed the group to discuss reasonable timescales that could be afforded to unauthorised encampments, and to clarify our position in terms of requesting that these encampments be dispersed.

6.3 A revised Policy and Procedural Guidelines on Encampments document has now been agreed by the group and is recommended for approval. **\*Appendix A**

## **7.0 SECURING SENSITIVE SITES**

7.1 The establishment of unauthorised encampments on sensitive sites has long provided an area of tension between Gypsies/Travellers and the settled community. In particular, it has been raised by elected members, members of the community, and by officers of Historic Scotland, that access to public parks and to car park facilities at Newark Castle was being severely restricted due to caravans and other vehicles being parked inappropriately. In the case of Newark Castle car park, Historic Scotland had stated that this was having a detrimental effect on its day-to-day business.

7.2 With the prior approval of Corporate Management Team, work is now complete on erecting two height restriction barriers, installing CCTV, and improving lighting at Newark Castle car park. Further work is now recommended on adopting this car park,

putting parking and overnight camping restrictions in place and making further amendments to the layout of the car park, making it inaccessible to articulated vehicles. Indicative costs associated with adopting and securing sensitive sites are outlined at **\*Appendix B**.

- 7.3 Similarly, some temporary work has been carried out at Kelburn Park to restrict access, and some further work is recommended in order to ensure that the park is made available for its intended use. Furthermore, the park management rules are currently being reviewed and amended by Environmental and Commercial Services to strengthen the Council's position in terms of ensuring that parks can be fully utilised by the general public for their intended use. Amended park management rules will be submitted to the Environment and Regeneration Committee in due course.
- 7.4 Whilst the above works carried out will ensure such sensitive sites will no longer be accessible for the establishment of unauthorised Gypsies/Travellers encampments, it is worth noting that there may now be foreseeable risks to other relatively 'open' Council-owned public spaces being utilised for this purpose in future in the absence of official transit site provision.

## **8.0 PERMANENT SITE PROVISION**

- 8.1 Although not in the original remit of the group; it was felt worthwhile to look at the pros and cons of establishing a permanent Gypsies/Travellers site in the area, with brick-built facilities providing a year round permanent accommodation for Gypsies/Travellers in the area.
- 8.2 As part of these considerations, members of the group consulted with colleagues in both North Ayrshire Council and Glasgow City Council.
- 8.3 North Ayrshire Council was helpful in providing some indicative costs in relation to a permanent site. Their Redburn site is a 16 pitch permanent site, which is long-established. It was however extensively refurbished in 2007/08 to meet what would be regarded as acceptable standards. The cost of this refurbishment was £303,464. In terms of running costs; total staffing and other revenue costs for 2011/12 amounted to £44,344.
- 8.4 Glasgow City Council provided extensive views on events that led to the closure of its permanent site at Rodney Street in Maryhill. Firstly, it was clear that on occasions that the site was vacant; it became a target for regular vandalism, resulting in unsustainable repair costs. The site also required the employment of a Site Manager/Travelling Persons Liaison Officer, whose duties in this area could not be justified on a full time basis, resulting in the duties becoming part of another post, which was a largely unsuitable arrangement. The site itself became a focal point for criminal activity, and tended to be dominated by a particular family, which led to other families shunning its use. The site eventually fell into complete disrepair, was almost entirely unused, and became expensive in terms of additional security costs.
- 8.5 In light of the above, and taking into account views expressed by Gypsies/Travellers that Inverclyde was very much seen as a desired transit, rather than permanent location, the group took the view that the creation of a permanent site would not reflect demand, would not represent value for money, and could create increased difficulty around managing, policing and security. It was therefore agreed that pursuing such a course of action should not be recommended.

## **9.0 PERMANENT SITE OPTIONS**

- 9.1 Building on the experience gathered in our liaison work with Gypsies/Travellers over the years, and having listened to the various views expressed by both the local community and elected members; it emerged as a clear view within the group that the

establishment of an official transit site in Inverclyde, would in many ways offset the difficulties and friction that arises whenever an unofficial encampment is established in the area.

- 9.2 The absence of an official transit site seriously weakens the Council's position in terms of directing Gypsies/Travellers away from unsuitable and inappropriate Council-owned land. This is a view shared by Council's Legal Services.
- 9.3 Official site provision would afford the Council the opportunity to make a reasonable and proportionate response to requests from occupants of unauthorised encampments to be provided with adequate facilities in accordance with their rights as a distinct community, and to protect their cultural identity.
- 9.4 Having listened to various views on this issue, it is the view of the group however, that it is highly likely that any preferred location for the establishment of an official transit site will encounter strong opposition from local communities. The possibility of a strong negative reaction in the local media is also highly likely.
- 9.5 Members of the group visited 15 possible sites that may have been considered as possible locations for such a site. Sites included those both Council-owned and privately-owned. A full list of these sites with views on suitability is attached at **\*Appendix C** for ease of reference, and ordnance maps of these locations are outlined at **\*Appendix D** Group members also considered the use of former quarry sites outlined in the Council's own investigation and hazard assessment of abandoned mines and quarries, published in September 2010.
- 9.6 It was the group's view that the optimum capacity for an official transit site should be a maximum of 8-12 pitches.
- 9.7 Ideally, an official transit a site should be easily accessible from major roads, and should be created on a hard standing area. A fresh water supply should be provided, along with a secure area to store and collect domestic refuse. The Council should also arrange for the delivery and collection of portable toilets as and when encampments are set up on the official transit site.

## **10.0 CULTURAL AWARENESS**

- 10.1 On 5 December 2011, members of the group attended a half-day training session facilitated by two members of the Gypsies/Travellers community. The session was highly informative and provided members with a valuable insight into the lives and culture of Gypsies/Travellers, and their expectations around the provision of sites and services, and good community relations.
- 10.2 It is the view of the group that there would be a real benefit in extending similar training events to other staff and elected members, in an attempt to achieve greater understanding and harmony between the respective positions of the Gypsies/Travellers and the settled community.

## **11.0 PROPOSALS FROM SHORT-TERM WORKING GROUP**

- 11.1 That the policy for managing Gypsies/Travellers sites is adopted as reviewed and implemented from 1 June 2013.
- 11.2 That funding is approved for, and further work commenced on securing sites at Newark Castle and Kelburn Park.
- 11.3 That approval is sought to obtain the necessary planning permission to establish an official transit site in Inverclyde with a maximum capacity of 12 pitches. Should the site be less than 1 hectare (10,000 sq meters) then planning permission required will be as

a local development. The planning application will be assessed against the Council's Local Development Plan and will be the subject of consultation, neighbour notification and newspaper advertisement before being reported to the Planning Board for determination. A decision to grant planning permission is final subject to the right of complaint to the Court of Session on a point of process, except in cases where a Government Agency advises against granting permission or has recommended conditions which the Council does not propose to attach to the permission. If the advice of a Government Agency is not accepted then the application is referred to the Scottish Ministers. The Ministers may call in the application for determination and a public local inquiry may be held.

- 11.4 That Committee note that once Planning is granted it will take a further 12-18 months to establish the site.
- 11.5 That Inverclyde Council introduces a programme of training events for staff and elected members on Gypsies/Travellers cultural awareness in order to develop greater understanding and harmony between both the Gypsies/Travellers and settled communities in the area.

## 12.0 IMPLICATIONS

- 12.1 **Legal:** Introduction and enforcement of park management rules and the adoption of car park at Newark Castle under relevant regulations will require to be managed by Council's legal services.

### 12.2 Finance:

The potential one off costs are:

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
Roads & Property	Newark Castle	2012/13	£12,660	N/A	Works to car park, contained from existing budgets
		2013/14	£10,000	Corporate Contingency	Potential costs to adapt car park **
	Kelburn Park	2013/14	£50,000	Corporate Contingency	Create hard standing and water supply

\*\* At present the works undertaken to date have been sufficient in securing the Newark Castle car park, in the event that further works are required the additional £10,000 will be accessed.

The recurring revenue costs are estimated at:

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>Budget Year</b>	<b>Proposed Spend this Report</b>	<b>Virement From</b>	<b>Other Comments</b>
Homelessness	Payment to Other Bodies	2013/14	£6,500	N/A	Cost of portaloos to be contained within service existing budgets

It should be noted that the cost of the portaloos are based on an estimated £25 per toilet per week and allows for 4 toilets. The estimate allows for 52 week provision, delivery and insurance charges, along with a small contingency for unforeseen costs.

12.3 **Personnel:** There are no additional personnel implications included in this report

12.4 **Equalities:** The updated policy on the Management of Encampments reflects the Council's obligations under relevant Human Rights and Equalities Legislation.

### **13.0 CONSULTATION**

13.1 The Short-term Working Group has consulted with members of the Gypsies/Travellers community during the course of a training event for group members held in December 2011.

13.2 The Chair of the Short-term Working Group has received numerous informal views from elected members and members of the public with respect to issues surrounding the establishment of unauthorised encampments. Group members also consulted with officers of Historic Scotland, and colleagues from North Ayrshire Council, and Glasgow City Council, Renfrewshire Council, and East Renfrewshire Council.

13.3 Should the proposal be accepted it would be the intention to seek consultation with the wider community, involving local community groups, tenant and resident associations.

### **14.0 LIST OF BACKGROUND PAPERS**

14.1 Updated policy on the Management of Encampments – Appendix A

14.2 Indicative costs for adopting and securing sensitive sites – Appendix B

14.3 Options and locations assessed on establishing official transit site – Appendix C

14.4 Indicative costs for the establishment and maintenance of an official transit site at Kelburn Park.

14.5 Ordnance Survey maps of assessed sites – Appendix D

14.6 Scottish Parliament Equal Opportunities Report (September 2012) - Appendix E



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**Policy and Procedural Guidelines on the  
Management of Encampments by  
Gypsies/Travellers in Inverclyde**

**February 2013**

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## **1. Introduction**

1.1 This policy updates the Council position and procedural guidelines relating to the management of services to Gypsies/Travellers who establish encampments in the Inverclyde area. The policy will provide greater clarity on the roles and responsibilities of the Council, and our partners in the Inverclyde Community & Health Partnership (ICHCP) and Police Services, towards providing the most appropriate, accessible services to Gypsies/Travellers.

1.2 The policy will facilitate the provision of a consistent approach, and ensure decisions taken in respect to Gypsies/Travellers encampments are reached in the acknowledgement of the unique circumstances surrounding each encampment.

1.3 The Council's response to all Gypsies/Travellers encampments, will consider the social, health, welfare and educational needs of both the Gypsies/Travellers population and those of the broader community.

## **2. Background**

2.1 Gypsies/Travellers are a small but distinctive ethnic and cultural minority within the Scottish population. The Scottish Government has recognised that Gypsies/Travellers have specific requirements and that they should receive the same level of protection from prejudice and discrimination as other ethnic minority groups in Scotland. The definition of Gypsies/Travellers excludes Occupational/Show Travellers and New (Age) Travellers. The incidence of travelling means that the population of Gypsies/Travellers in Scotland can vary considerably at different points in time. This is particularly true between the winter and summer months.

2.2 The responsibility for co-ordinating Inverclyde Council's services to Gypsies/Travellers lies within the Inverclyde Community & Health Care Partnership (ICHCP), principally with the Service Manager (Homelessness).

2.3 Inverclyde Council has no current official site provision for Gypsies/Travellers, either independently or in conjunction with neighbouring authorities. This being the case, the Council fully recognises Scottish Government Guidelines for Managing Unauthorised Camping by Gypsies/Travellers.\*

\* <http://www.scotland.gov.uk/Publications/2004/12/20417/48825>

### **3. Context**

3.1 This policy emphasises Inverclyde Council and ICHCP's ongoing commitment to equality and diversity, in conjunction with our partners in the Police Services. This policy fully recognises the rights and responsibilities of the Gypsies/Travellers community, and the rights of all residents of Inverclyde to enjoy equity of access to services provided, regardless of background, and to do so in an atmosphere free from prejudice and discrimination.

3.2 Inverclyde Council and our partners will at all times adopt an approach of co-operation and assistance in response to encampments, to ensure that the rights of Gypsies/Travellers and those in the broader community are mutually respected.

3.3 Inverclyde Council believes that the effective management of services to Gypsies/Travellers and the response to encampments can only be achieved by effective joint-working with partner agencies, the broader community and Gypsies/Travellers themselves.

### **4. Official Transit Site Management**

The site at Kelburn Park will be managed by Environmental and Community Services who will arrange for the delivery of portable toilets as required when Gypsy/Traveller arrive on site. The Service Manager (Homelessness) will be advised and will implement the policy as indicated at point 7.

### **5. Establishment of Unauthorised Encampments**

5.1 Unauthorised encampments are set up on a short-term basis by Gypsies/Travellers when travelling through or visiting an area. They can also arise when families are having difficulty finding somewhere to settle in an area, for example, on a Council, Registered Social Landlord or private site. In many areas, such encampments are the only option available (where no available sites/pitches exist or where they are refused entry to private/holiday sites).

5.2 When an unauthorised encampment has been identified the camp occupants will be advised of the provision of the transit site and directed to this facility. However, Inverclyde Council and Inverclyde CHCP will be active in offering advice and practical support on issues such as waste disposal, site hygiene, social care, and educational support. We will also offer advice and interventions on issues such as road traffic legislation, anti-social behaviour, and other areas of environmental and common law in conjunction with Strathclyde Police.

## 6. Legislative Context

6.1 The Police have no powers to direct Gypsies/Travellers onto any land. This is the responsibility of local authorities. The Police are not empowered to remove or clear unauthorised encampment sites except where legislation empowers them to do so.

6.2 The relevant legislation covering any such action is contained within:

- Sections 61 and 62 of the Criminal Justice and Public Order Act 1994.
- Section 14 of the Public Order Act 1986 (serious community disruption from very large encampments)
- Trespass (Scotland) Act 1865
- Roads (Scotland) Act 1984

6.3 It is the settled view of the Police that negotiation and civil means should be exhausted prior to any further police action being taken. In circumstances where Gypsies/Travellers have refused to re-locate, or have been repeatedly moved from the same site only to return, prosecution may be considered. Landowners including local authorities have responsibility to take further steps to prevent continued access to unauthorised sites.

6.4 The Environmental Protection Act 1990 empowers authorised officers of the Council to regulate and to take enforcement action on unsatisfactory site conditions regarding waste management, fly tipping and the existence of Statutory Nuisance in particularly for insanitary conditions on the site. Officers will advise the site users of their responsibilities regarding these conditions. Failure to deal with unsatisfactory conditions will be addressed using enforcement powers available.

6.5 The Scottish Government's policy approaches to delivering education recognises the specific needs of children and young people within the Gypsies/Travellers community, and has provided guidance to support education authorities, schools and support services in delivering education for Gypsies/Travellers children to encourage inclusive practices. Education authorities have a responsibility to assist parents in the provision of education and do so largely by providing education in schools. Whilst a Gypsies/Travellers child's access to education is a right this may involve going to school, although an education authority's interpretation of any legal requirement for children is the area that allows for some flexibility.

The relevant legislation and guidance is outlined as follows:

- Section 2 of the Standard in Scotland's Schools etc Act 2000
- Education (Additional Support for Learning) Acts 2004 and 2009

- Inclusive Educational Approaches for Scotland's Travelling Communities within the context of interrupted learning 2<sup>nd</sup> Edition – Learning Teaching Scotland 2011

Under Section 2 of the Standard in Scotland's Schools etc Act 2000 places a clear duty upon education authorities to have regard for a child's right to a 'school education'.

The Education (Additional Support for Learning) Acts 2004 and 2009 also signal that educators must seek out the views of a child or young person and bring those views into decision-making. The Acts also emphasise the importance of giving a voice to children and their parents in identifying individual learning needs. Gypsies/Travellers parents have a responsibility to ensure that their child has an education; however, a Traveller child's entitlement to a school education is not affected by their family's mobility. Thus, Inverclyde Education Services will aim to provide information, advice and support regarding educational matters for Gypsies/Travellers on visits to sites.

6.6 Results of a survey carried out by the Department of Health in 2004 showed that Gypsy Travellers have significantly poorer health than other English speaking ethnic minorities and economically disadvantaged white UK residents. For Gypsy Travellers, living in a house is associated with long term illness, poorer health state and anxiety. Those who rarely travel have the poorest health. This study also showed an inverse relationship between health needs of Gypsy Travellers and their use of health services. ([The Health Status of Gypsies & Travellers in England, Department of Health 2004](#))

It is the responsibility of all NHS Greater Glasgow and Clyde staff to ensure that everyone who uses the health service or works for us is treated fairly. Equalities legislation has been enacted by the Government to ensure that public organisations promote equality and remove discrimination in the delivery of all their functions.

In order that NHS Greater Glasgow and Clyde is supported to tackle inequality, the Corporate Inequalities Team was set up to:

- Implement the Equality Scheme Action Plan 2010-13 to promote equality and remove discrimination
- Ensure that NHSGGC plans and services are developed in a way which will tackle the health gap
- Work with practitioners to develop [inequalities sensitive practice](#) e.g. routine and sensitive enquiry on gender based violence, financial inclusion, employability and other social issues
- Ensure that NHSGGC meets the needs of [marginalised groups](#) who face additional discrimination and prejudice.

6.7 In general, access to Social Work services are governed by the Social Work (Scotland) Act 1968, and subsequent legislation for various client groups including children, families, vulnerable adults and older people. On the initial visit to unauthorised encampments, staff from Homelessness Services

will outline to Gypsies/Travellers' households the availability of social work services, carry out a basic assessment of any requirements, and make referrals to relevant social work teams as required.

6.8 Officers of Inverclyde Council, Inverclyde CHCP and the Police will at all times ensure that any actions taken in respect of the Gypsies/Travellers community will be balanced, consistent, legal, proportionate, and necessary to ensure compliance with the European Convention on Human Rights:

*Article 8;*

- *Everyone has the right to respect for private and family life, home and correspondence.*
- *There shall be no interference by a public authority with exercise of this right except such as, in accordance with the law, is necessary in a democratic society in the interests of well-being of the country for the prevention of disorder or crime, for the protection of health and morals, or for the protection of the rights and freedoms of others.*

*and Article 14;*

- ***Prohibition of Discrimination***
- *The enjoyment of the rights and freedoms set forth in the convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, associated with a national minority, property, birth or status.*

## **7. Procedural Guidance in response to Gypsies/Travellers Encampments**

7.1 Due to the issues which may arise there is a need for an oversight of the establishment of an encampment which incorporates a multi-agency approach. To this end it has been agreed that such cases be referred to the Service Manager (Homelessness).

7.2 When any new encampment is identified within the area, the Service Manager (Homelessness), or identified deputising officer should be informed immediately.

7.3 The Service Manager (Homelessness Service) will then co-ordinate a clear multi-agency response as outlined in the following procedural steps:

- An initial joint visit to the encampment will be carried out by Community Warden staff. This visit will constitute a site assessment, which will ascertain the number of vehicles onsite, and other basic relevant information on households, inclusive of number of children residing onsite where applicable. A record of the site visit will be drawn up and

copies passed to Service Manager (Homelessness) and Team Leader, Social Protection, for information.

- A follow-up joint site visit will then be carried out by the Team Leader, Social Protection, and the Police Services Local Authority Liaison Officer, who will engage in direct discussion with the members of the encampment, and seek to obtain additional information in terms of intended length of stay, and will outline to members of the encampment their responsibilities in terms of environmental protection and waste disposal.
- The follow-up joint visit will ensure that the site does not pose any threat to hygiene, public health, or road safety; and will also ensure that there is no evidence of criminal damage, unnecessary nuisance, or careless waste disposal.
- On completion of the joint site visit, the Team Leader, Social Protection, will complete a Gypsies/Travellers Liaison Record, a copy of which should be sent to the Service Manager (Homelessness), with the original copy being held by the Police.
- Officers involved in the site assessment will inform the Gypsies/Travellers' households on-site that a referral will be made for subsequent visits to be carried out in order to assess any input required from health, social work and education services.
- The Service Manager (Homelessness) will arrange for such visits to be carried out in order to assess any health, welfare or educational needs of the households within the encampment, in conjunction with named contacts in Social Work Services, Education Services and Inverclyde Community Health Partnership.
- A further Gypsies/Travellers Liaison record will be completed and passed to the Service Manager (Homelessness). Any required services will be offered and provided through normal working arrangements by the services involved.
- The Service Manager (Homelessness) will decide whether the establishment of the encampment requires convening where necessary, a meeting of an ad-hoc Gypsies/Travellers Working Group. The Group will comprise of representation from Community Safety & Wellbeing, Education Services, Inverclyde CHCP, and the Police. This will provide a platform to discuss any issues arising, and facilitate any further appropriate services or required interventions.

### **8.0 Unauthorised encampments**

- In the event that an unauthorised encampment is established, the occupiers will be advised of the transit site provision and directed to Kelburn Park as appropriate. Should the Gypsy/Travellers fail to relocate to the designated site then the procedural steps as detailed at point 7.3 will be implemented.



## Appendix A

- The Service Manager (Homelessness) will convene a meeting of an ad-hoc Gypsies/Travellers Working Group. The Group will comprise of representation from Community Safety & Wellbeing, Education Services, Inverclyde CHCP, and the Police. This will provide a platform to discuss and agree a response to the unauthorised encampment in general.
- It will be for the Group to decide if further ad-hoc meetings of the Gypsies/Travellers Working Group are required in order to monitor service provision to the site, make appropriate decisions for any required additional action, and will set timescales as to reasonable duration of time an unauthorised encampment may be allowed to remain on any particular site. The Group, as directed by the Service Manager (Homelessness), may draw up specific guidelines on timescales which reflect reasonable and realistic pressures on land use and the availability of alternative sites to which Gypsies/Travellers can be directed.
- Inverclyde Council reserves the right to seek legal remedy to pursue the clearance of any site which is deemed unsuitable, or has in the view of the Gypsies/Travellers Working Group, been in situ for an unsustainable period of time.
- All official correspondence with members of an unauthorised encampment should be co-ordinated by the Service Manager (Homelessness) and should take full account of the views expressed within the Gypsies/Travellers Working Group.
- This will assist in ensuring a consistency of approach to service provision to Gypsies/Travellers, and an agreed proportionate response to enquiries, and any statements pertaining to responses made to the establishment of unauthorised encampments in the area.

## Appendix B

The figures outlined below, provided by Inverclyde Property Services, illustrate estimated non-recurring costs for securing sensitive sites to prohibit unauthorised overnight camping and inappropriate use of Council-owned facilities.

<b>#Newark Castle</b>	
Car park - adopt car park using Road Traffic Order (including legal costs), and the provision of lighting, appropriate to preservation of Newark Castle. Creation of 'hammer-head' turning area in car park	£ 10,000
<b>Kelburn Park</b>	
Creation of 'landscape bund' to effectively prohibit access by large vehicles and caravans	£ 1,000
<b>Parklea playing fields</b>	No required landscape costs
Adoption of park management rules	No additional costs
<b>SUB-TOTAL ESTIMATED COSTS (non-recurring)</b>	<b>£ 11,000</b>

**#NB...Specific costs for interim work approved and now complete at Newark Castle car park as follows:**

ERECT HEIGHT RESTRICTION GATES TO TWO AREAS	£ 2,300.00
BOLLARDS	£ 360.00
CCTV	£ 8,500.00
ADDITIONAL WORKS	£ 1,000.00
SIGNAGE	£ 500.00
SUB-TOTAL	£ 12,660.00
VAT	£ 2,532.00
<b>TOTAL</b>	<b>£ 15,192.00</b>

**Options and indicative costs related to establishment of official transit site provision in Inverclyde**

Potential locations for Official Transit Site visited and assessed by Short-term Gypsies/Travellers Working Group			
Location		Comments	Council-owned?
1	Kirn Drive Pitches, Gourock	Poor vehicular access. Potential costs involved in rectifying this.	Y
2	Privately owned	Issues surrounding ownership and potential rental costs beyond this.	N
3	Craigmuschat (Former Quarry), Gourock	Naturally screened area, not visible in surrounding vicinity. Hard standing in place. Lower set-up costs. Proximity to residential properties/schools (in terms traffic management at peak times)	Y
4	Privately owned	Popular location for Gypsies/Travellers. Has now been purchased by developer and planning permission for new housing agreed.	N
5	Wellington Park, Greenock	Vehicular access via narrow local roads. Close proximity to housing estate.	Y
6	Privately owned	Poor vehicular access. Subsequently advised by Property Services that land zoned for re-development.	N
7	Privately owned	Good vehicular access, however close to traffic lights and may create traffic management problems when in use. Subsequently advised by Property Services that land zoned for re-development.	N
8	Privately owned	Subsequently advised by Property Services that land zoned for re-development.	N
9	Privately owned	Subsequently advised by Property Services that land zoned for re-development.	N
10	Privately owned	Difficult vehicular access directly from A8, which could lead to traffic management problems. Subsequently advised by Property Services that land zoned for re-development.	N
11	Privately owned	Good vehicular access, adjacent to main road. Smaller site, unlikely to accommodate 12 pitches and associated vehicles. Close proximity to railway line.	N
12	Former Yard, Fyffe Shore, Port Glasgow	Good vehicular access. Directly adjacent to housing stock. Possible issues with land contamination in some parts of the location	Y
13	Privately owned	Popular location for Gypsies/Travellers. Accessible to main road but also adjacent to railway line. Part of Riverside Inverclyde	N

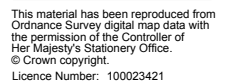
		portfolio and therefore earmarked for further re-development.	
<b>14</b>	Kelburn Park, Port Glasgow	Suitable area that can be separated from the rest of the park and allow full park use by others. Site favoured in past by Gypsies/Travellers. No hard standing in place. Previous negative publicity of site use by Gypsies/Travellers.	Y
<b>15</b>	Privately owned	Historical use of the location by Gypsies/Travellers. Privately-owned (Ardgowan Estates), and would therefore incur additional recurring rental costs. Subsequently advised by Property Service that land owner will not agree to this development.	N

## APPENDIX D

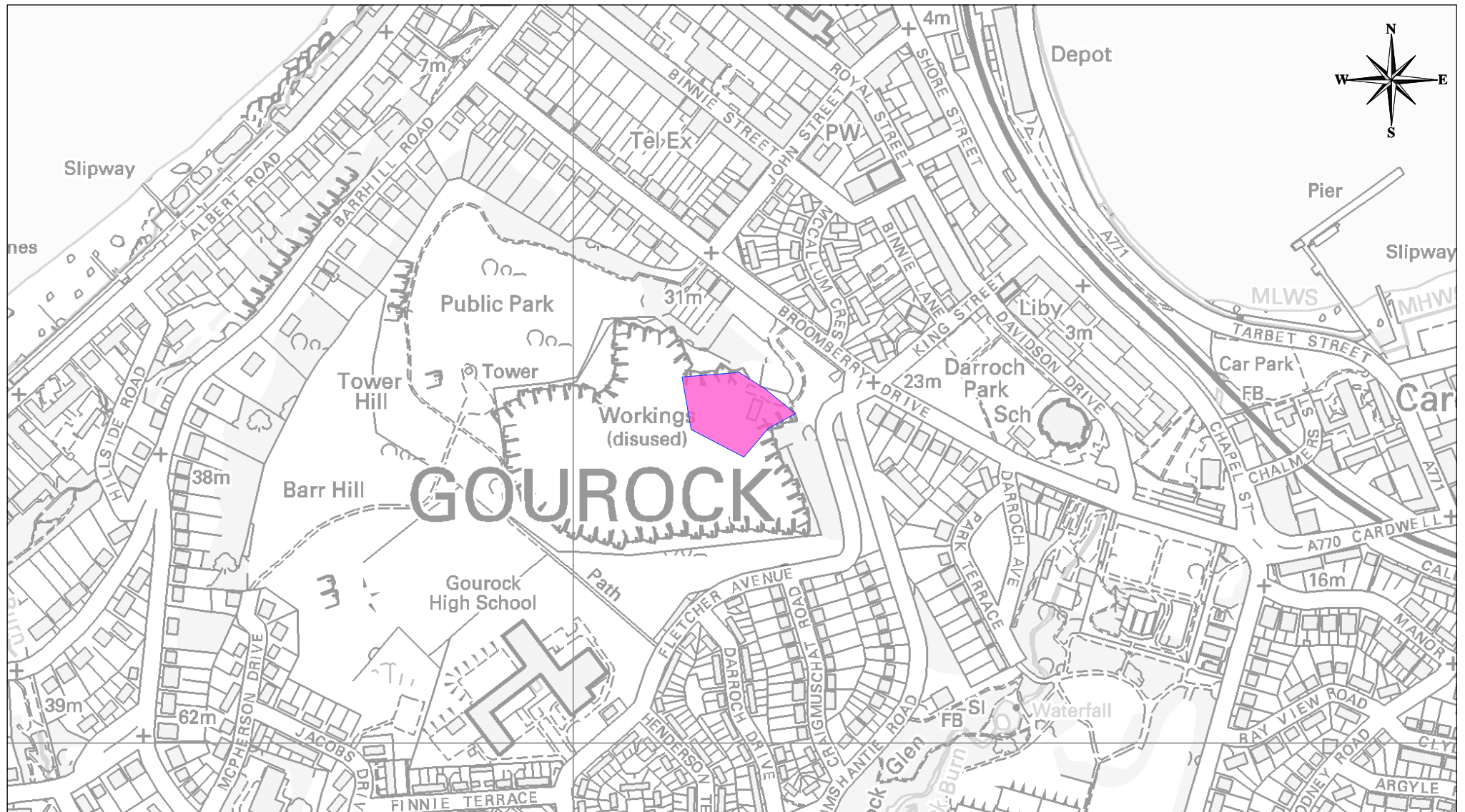


albert.henderson@inverclyde.gov.uk

**Scale:** 1:5000



# Craigmuschat Former Quarry, Gourrock



**Inverclyde**  
council

**Safer & Inclusive Communities**

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**Plan Creator:** Ross Scullion

**Date:** 02/02/2012

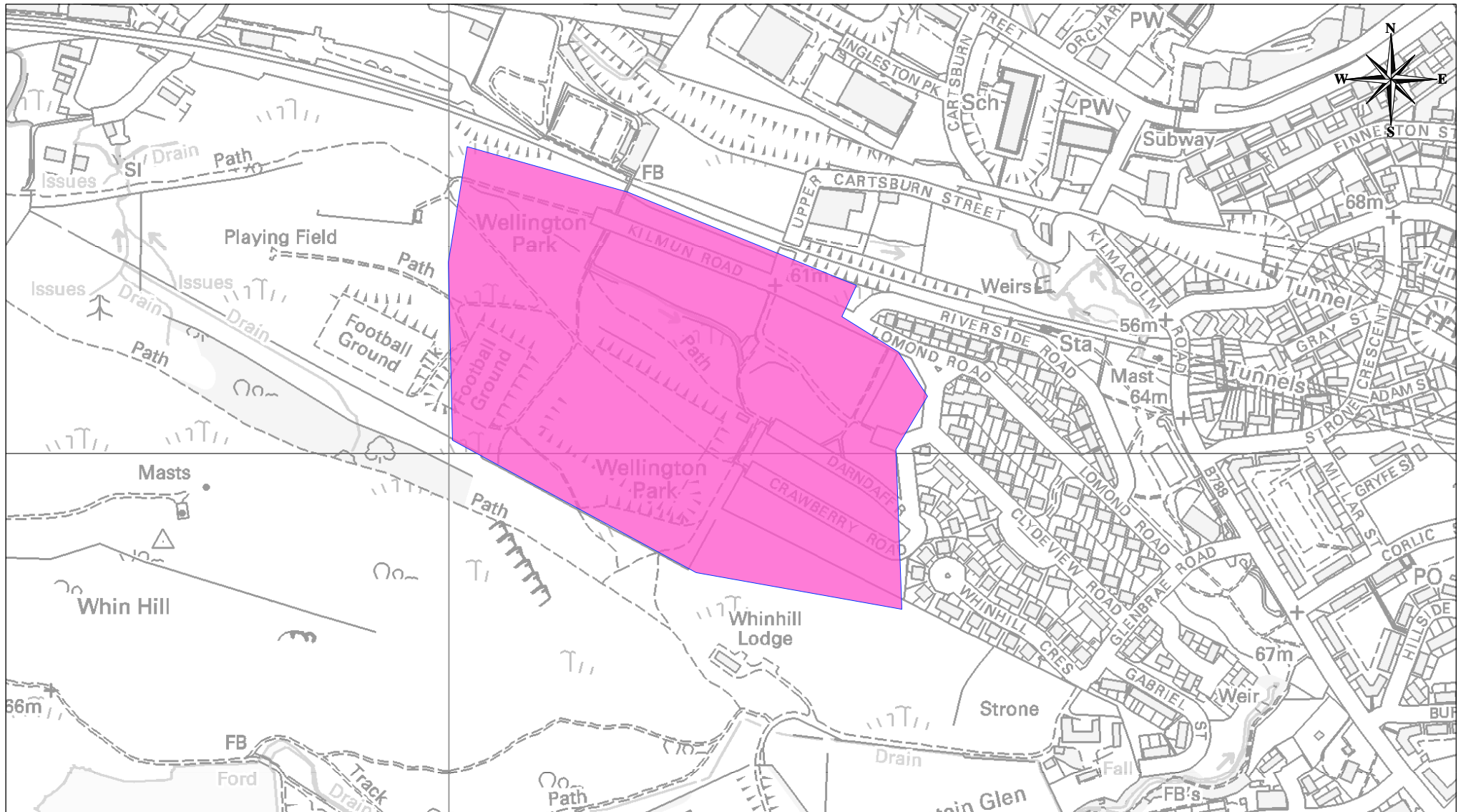
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# Wellington Park, Greenock



**Inverclyde**  
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**Plan Creator:** Ross Scullion

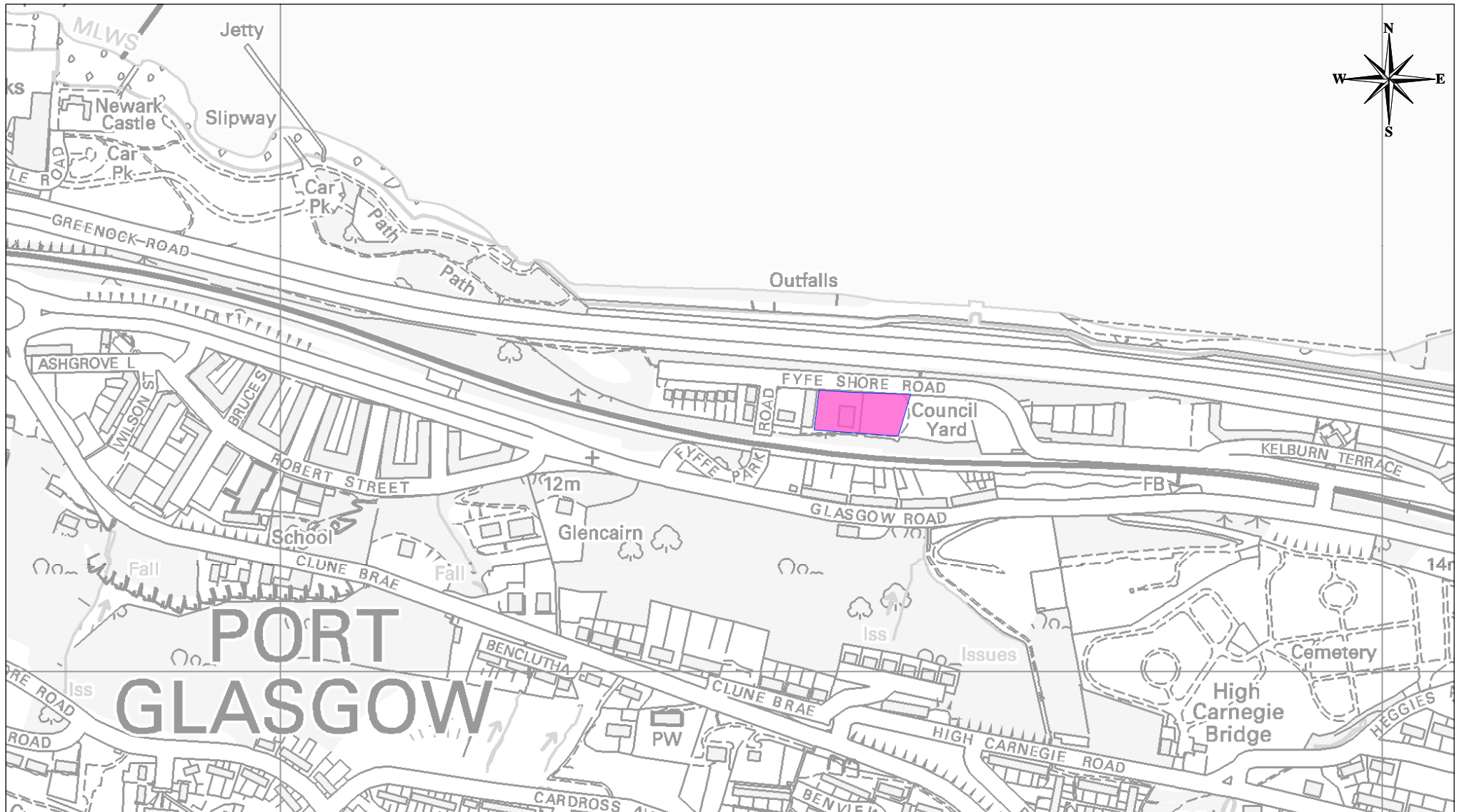
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# Former Yard, Port Glasgow



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**Safer & Inclusive Communities**

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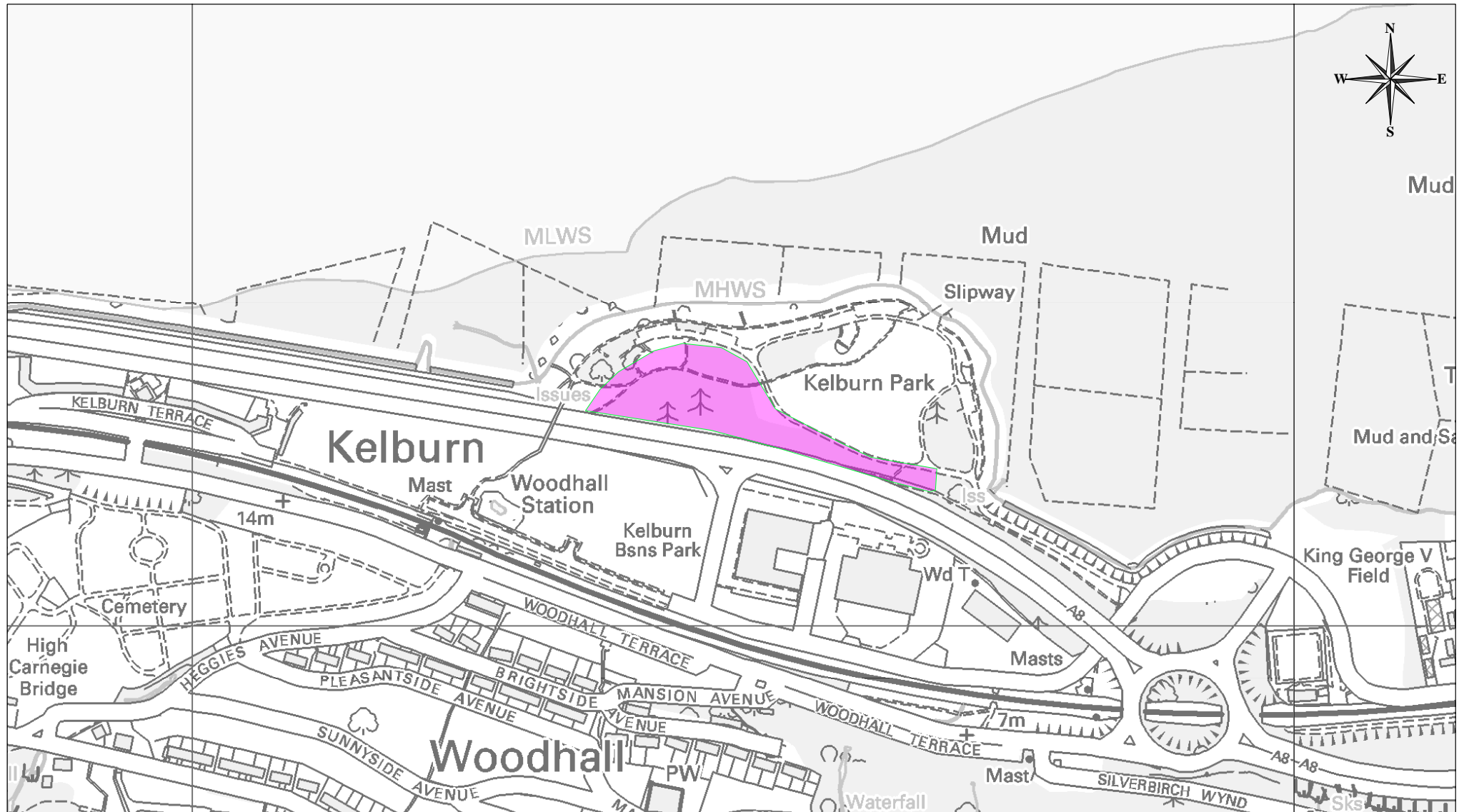
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# Kelburn Park, Port Glasgow



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The Scottish Parliament  
Pàrlamaid na h-Alba

## **Equal Opportunities Committee**

**1st Report, 2013 (Session 4)**

**Where Gypsy/Travellers Live**

**Published by the Scottish Parliament on 26 March 2013**

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The Scottish Parliament  
Pàrlamaid na h-Alba

## Equal Opportunities Committee

### 1st Report, 2013 (Session 4)

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The Scottish Parliament  
Pàrlamaid na h-Alba

## **Equal Opportunities Committee**

### **Remit and membership**

#### **Remit:**

1. The remit of the Equal Opportunities Committee is to consider and report on matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament.

2. In these Rules, “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.”

*(Standing Orders of the Scottish Parliament, Rule 6.9)*

#### **Membership:**

Clare Adamson (until 23 February 2012)  
Marco Biagi (from 18 September 2012) (Deputy Convener from 8 November 2012)  
Mary Fee (Convener)  
John Finnie  
Annabel Goldie (until 16 January 2013)  
Alex Johnstone (from 17 January 2013)  
John Mason (from 30 October 2012)  
Siobhan McMahon  
Stuart McMillan (Deputy Convener) (until 18 September 2012)  
Dennis Robertson  
Jean Urquhart (from 23 February 2012 until 26 October 2012) (Deputy Convener from 20 September 2012)

#### **Committee Clerking Team:**

##### **Clerk**

Douglas Thornton

##### **Assistant Clerk**

Ailsa Kilpatrick



The Scottish Parliament  
Pàrlamaid na h-Alba

## Equal Opportunities Committee

### 1st Report, 2013 (Session 4)

### Where Gypsy/Travellers Live

The Committee reports to the Parliament as follows—

## THE REALITY OF GYPSY/TRAVELLER LIVES

### Introduction

1. We are extremely frustrated to have heard repeatedly that the settled community, local authorities and service providers tend towards making negative assumptions about Gypsy/Travellers' needs. The assumptions range from where and how the community prefers to live<sup>1</sup> to how much Gypsy/Traveller people want to interact with services<sup>2</sup> and with the settled community<sup>3</sup>. Having seen for ourselves the squalid conditions endured by tenants on most council sites, it is clear that, despite enthusiastic talk of 'dialogue', understanding of Gypsy/Travellers and their culture is lacking even amongst some of those working most closely with the community. We begin by sharing what we've learned about some of the most common misconceptions.

### What Gypsy/Traveller means

*Gypsy/Travellers are an ethnic group*

2. In 2001, the Session 1 Equal Opportunities Committee ("Session 1 EOC") recommended that Gypsy/Travellers should be regarded as an ethnic group until such time as a court decision is made under the Race Relations Act 1976. The Equality and Human Rights Commission (Scotland) ("EHRC") has published a resource for the media which refers to three test cases in England and a Tribunal judgement in Scotland regarding Gypsy/Travellers—

"The first test case, the *Commission v. Dutton* (1989), was heard by the Court of Appeal, which established that Gypsies are a racial group under the RRA. The second test case, *O'Leary v. Allied Domecq* (2000) was heard by the Central London County Court. It established that Irish

<sup>1</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 862.

<sup>2</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 932.

<sup>3</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 846.

Travellers are a racial group under the RRA. The third case, *ERRC and Immigration Officer at Prague Airport v The Secretary of State for the Home Department and Another* (2003) established that Roma are a racial group under the RRA. As this is a judgement from the House of Lords, it has binding legal authority on the courts in Scotland.

“A recent Tribunal judgement (*Mr K MacLennan v Gypsy Traveller Education and Information Project* 2009) held that Gypsy Travellers are a distinct ethnic group and therefore covered by the RRA 1976.”<sup>4</sup>

#### *Why we use the term Gypsy/Travellers*

3. We heard that some groups prefer to use the term ‘Gypsy’, others use ‘Traveller’. We chose to use the precedent set by voluntary organisations working with Gypsy/Travellers.<sup>5</sup> Sammy Stewart, when asked about preferred terms, gave his perspective—

“When we go travelling, a lot of the community calls us Gypsies, and we are Travellers. The terms “Gypsy Traveller”, “Irish Traveller” and so on are basically the same thing—you are still just a Traveller.”<sup>6</sup>

4. The 2001 EOC recommended<sup>7</sup> the capitalisation of the term Gypsy/Traveller, or Gypsy and Traveller, where used separately. Using the term ‘Gypsy/Traveller’ acknowledges that Gypsy/Travellers are not a homogenous group. For example, some of the submissions refer to different groups such as Scottish Gypsy/Travellers, Irish Gypsy/Travellers, English Gypsy/Traveller and Roma. Although there are cultural similarities, such as a history of travelling, these groups are all different. These ethnic groups do not include occupational or new age travellers.<sup>8</sup>

#### *Roma*

5. This report does not specifically cover migrant Roma as we received very little evidence relating to this community. This may be because, although the issues they face and their lifestyle may share some aspects with Scottish Gypsy/Travellers, their experiences may also differ widely. We heard, however, a distressing account of the living conditions that some migrant Roma find themselves in upon reaching Scotland. We see this as a crucial area for further work. Professor Kay Hampton of the Scottish Human Rights Commission explained—

“I have visited an urban settlement in Govanhill where approximately 3,000 Roma people live. The conditions there are quite dire. Most of the people are in privately rented accommodation and, although they pay taxes and very high rents, they suffer appalling conditions of overcrowding and so on.”<sup>9</sup>

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<sup>4</sup> Equality and Human Rights Commission. *Gypsy/Travellers in Scotland – a resource for the media*. Available at: <http://www.equalityhumanrights.com/scotland/scottish-news/gypsy-travellers-in-scotland-a-resource-for-the-media/> [Accessed 21 March 2013].

<sup>5</sup> MECOPP. Written submission.

<sup>6</sup> Scottish Parliament Equal Opportunities Committee, *Official Report*, 4 February 2013, Col 960.

<sup>7</sup> Scottish Parliament Equal Opportunities Committee. 1<sup>st</sup> Report, 2001 (Session 1). *Inquiry into Gypsy Travellers and Public Sector Policies* (SP Paper 356).

<sup>8</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 4 February 2013, Col 967.

<sup>9</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 764.

## **Where Gypsy/Travellers live**

### *Shocking standards of living*

6. When we visited sites we saw some horrendous conditions for ourselves. We were deeply disturbed to see that families paying rent to their local council were expected to bathe young children in freezing cold amenity blocks with extortionate heating costs, and that elderly and disabled people might have to go outside to a toilet block in the middle of a cold, winter's night. At one site, as well as a putrid overflowing septic tank and a fire hose that couldn't reach all of the pitches, we heard that, with no bus stop or roadside pavement, the only way for non-driving families to visit local shops or take children to use a playground was to walk two miles to the nearest town along a muddy, unlit woodland path. Another site was barely lit at night, with appalling and tokenistic attempts to make adaptations for a profoundly disabled resident and sightings of prowlers in the woods which provided the only place for children to play. We even felt the fear ourselves of being able to safely access one site up a steep, potholed and gravelled path, only able to imagine the danger it could present in icy weather. Disturbingly this site was lacking in either a fixed phone line or stable mobile phone signal, leaving residents with medical conditions unable to easily seek emergency care.

### *Having to hide who you are*

7. Gypsy/Travellers live not only on sites, but in fixed housing amongst the settled community. We heard, sadly, that in such circumstances Gypsy/Travellers might hide their cultural heritage for fear of persecution. Lizzie Johnstone said—

“The thing is that, over the years, in the different houses and different districts that I have had to move to, I have denied that I am a Traveller ... I am proud of my culture and of being a Traveller, but it is only from attending different things that I can speak about things like that and be here today.”<sup>10</sup>

### *Talking about types of site*

8. Gypsy/Travellers may stay on various types of site and it is clear that the terminology used can vary widely. For clarification, and based on the terms we have heard used, we have included a glossary (annexed) explaining the terms we use in this report: permanent site, transit site, seasonal site, private site, temporary site, stopping place and holiday park.

### *Permanent sites and the settled community*

9. A permanent Gypsy/Traveller site may not be so very different from any other housing estate, and there may be little interaction or friction between residents and the settled community. One community council witness from Girvan explained—

“Other than the fact that chickens are running about—we do not see many of them in housing estates—it could be any housing estate. We have had no trouble with the site, which has been there many years. To be honest, I had forgotten that we had it.”<sup>11</sup>

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<sup>10</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1023.

<sup>11</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 844.



*We all like something different*

10. Gypsy/Travellers explained that their preference for where they live will differ, as will their behaviour and the level to which they choose to interact with both the settled community and other Gypsy/Traveller groups. Donald Stewart, a Gypsy/Traveller living on Clinterty Travelling Persons' Site near Aberdeen, explained—

“Everyone has their own way of life and their own culture. We follow the old traditions and go places, and then we want to come home. As you said, the community thinks that we want a lot more. They say that we want this and we want that, but we do not want anything special. We just want to be recognised as people, just the same, and we want people to stop criticising us and saying, “Oh, they shouldn’t get this or that.” We only want to be equal. We want people to let us be who we are.”<sup>12</sup>

*Discrimination because of where you live*

11. Gypsy/Traveller witnesses explained that having an address on a site can cause difficulties in gaining access to employment and health services, and can even lead to confusion amongst retailers—

“My wee sister, who is sitting in the public gallery, has lied about her address when filling out applications for jobs because, at other times, employers who have found out her address have told her that she is not suitable. That is ridiculous.”<sup>13</sup>

“When I went to register with the doctor, I was discriminated against. Like the others have said, you have got the name of a Travellers site on your address and your postcode.”<sup>14</sup>

“If I purchase something from a shop and try to return it because it is faulty, when the person behind the counter asks for the postcode, it comes up on the computer as “Gypsy Traveller person’s site”. They do not know what to say to you. They do not know whether you are a Gypsy Traveller or not, and they do not want to insult you. ... We cannot use the site address to hire a DVD.”<sup>15</sup>

*Locked out of employment*

12. Gypsy/Travellers living on council-run sites pay council tax in addition to rent<sup>16</sup>, and it should not be assumed that they do not pay income tax<sup>17</sup>. Historically, Gypsy/Travellers moved around the country for primarily agricultural work. Although this work is no longer widely available, Gypsy/Travellers still often choose to travel for work – “the modern equivalent of that is work on roofing, driveways and so on”.<sup>18</sup>

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<sup>12</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 4 February 2013, Cols 981-982.

<sup>13</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1025.

<sup>14</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1027.

<sup>15</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Cols 1026-1027.

<sup>16</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1014.

<sup>17</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1018.

<sup>18</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 4 February 2013, Col 967.

13. Gypsy/Traveller witnesses spoke of the difficulties in finding employment. Fiona Townsley said—

“I am a carer just now but I believe that, if you live on a Gypsy Traveller caravan site, it can be hard to get a job. I applied for the job of site manager for the caravan site that we live on but I was not given an interview. However, when the new site manager was appointed, I went on to provide him with Gypsy Traveller awareness training to help him to do the job properly.”<sup>19</sup>

*Population estimates*

14. It is generally accepted that there are no accurate figures on the size of the Gypsy/Traveller population.<sup>20</sup> The Scottish Government’s bi-annual population count ceased in 2009 as it was felt that a more comprehensive method of capturing the number of Gypsy/Travellers could be developed. Lesley Irving (Scottish Government Equalities Unit), explained—

“The view of some people was that that exercise was not particularly helpful. Some members of the Gypsy Traveller community strongly disliked the exercise and disliked the fact that their community was being counted in a way that other communities were not.”<sup>21</sup>

15. The count was expected to resume in late 2012.<sup>22</sup> At the most recent count (July 2009) the Gypsy/Traveller population in Scotland was estimated to be around 2,120 people<sup>23</sup>; however, the Scottish Human Rights Commission (“SHRC”) refer to 3,000 Roma, and some estimates go far higher<sup>24</sup>. The Scottish Government’s analytical services department is currently reviewing the matter.<sup>25</sup>
16. From Gypsy/Travellers, we have been given a strong impression that there is insufficient site provision for the current population. Amnesty International (“Amnesty”) has asserted that difficulty in accurately gauging population size should not preclude local authorities and other public agencies from including Gypsy/Travellers in service planning processes.<sup>26</sup>

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<sup>19</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1026.

<sup>20</sup> Amnesty International. Written Submission, paragraph 7.

<sup>21</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1059.

<sup>22</sup> European Commission. (2011). Council conclusions on an EU framework strategy for Roma integration up to 2020: United Kingdom of Great Britain and Northern Ireland. Available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_uk\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_uk_strategy_en.pdf) [Accessed 21 March 2013].

<sup>23</sup> Scottish Government. (2009) *Gypsies/Travellers in Scotland: The Twice Yearly Count - No. 14: July 2008*. Available at: <http://www.scotland.gov.uk/Publications/2009/03/30145009/0> [Accessed 21 March 2013].

<sup>24</sup> Scottish Traveller Education Project, *Lifestyles ©STEP2012*. Available at: [http://www.education.ed.ac.uk/step/travelling\\_communities.php](http://www.education.ed.ac.uk/step/travelling_communities.php) [Accessed 21 March 2013].

<sup>25</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1059.

<sup>26</sup> Amnesty International. Written submission, paragraph 7.

## **Discrimination**

### *'Respectable' racism*

17. The SHRC stated that discrimination towards Gypsy/Travellers was “the last bastion of respectable racism”<sup>27</sup>, and that there was an impact across all Traveller populations. They pointed out that “even ethnic minority communities who themselves suffered discrimination 10 or 20 years ago” tended “to have prejudices towards the Gypsy/Traveller community”<sup>28</sup>.

18. The EHRC acknowledged that tensions between settled and Gypsy/Traveller communities are not solely created by negative attitudes within the settled community; a minority of Gypsy/Travellers might cause disruption or leave refuse after stopping. As in any community, the actions of the few are often taken to represent the whole community.<sup>29</sup>

### *Profoundly unfair media portrayal of Gypsy/Travellers*

19. The media, including ‘new media’ such as blogs and comments boards, were cited in submissions as encouraging bad relations, primarily through the almost exclusively negative reporting of Gypsy/Traveller issues.<sup>30</sup> There is an encouragement towards a ‘not-in-my-backyard’ attitude, and few examples of reporting from the Gypsy/Traveller perspective.<sup>31</sup> Sections of the print media target criticism towards the planning for and establishment of private and public sites and place a focus on the notional impact on house prices.<sup>32</sup> Witnesses from support services called for more stringent action on defamatory and racist reporting.<sup>33</sup> Nigel Firth (NHS Grampian) suggested that negative reporting often left a ‘legacy’ of negative attitudes.<sup>34</sup>

20. The negative and unrepresentative television portrayal of Gypsy/Travellers, including the sexualisation of children in broadcast media and publicity for television shows, was described as having put back progress on tackling racism by 10 years. It is clear that this approach would not be taken using any other ethnic community.<sup>35</sup>

### *Guidance for the media*

21. The EHRC plans to revise its guide to the media in 2013. The previous guide was sent to 7000 media outlets in Scotland, and aimed to help illustrate some of the issues around Gypsy/Travellers and their interaction with the settled community in a non-legalistic way.<sup>36</sup>

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<sup>27</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 777.

<sup>28</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 777.

<sup>29</sup> Equality and Human Rights Commission (Scotland). Written submission, page 2.

<sup>30</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 776.

<sup>31</sup> Amnesty International. Written submission, pages 9-10.

<sup>32</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 775.

<sup>33</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Cols 886-887.

<sup>34</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 887.

<sup>35</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 900.

<sup>36</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 778.

22. Amnesty recommended—

“Journalists and editors should adhere to ethical codes of conduct and ethical standards when writing about Scottish Gypsy Travellers and build relationships with Scottish Gypsy Travellers to ensure balanced reporting.”<sup>37</sup>

## BACKGROUND

### Work of previous committees

23. In early 2012 we decided to follow-up on the work done by the previous Equal Opportunities Committees on improving the lives of Gypsy/Travelling people in Scotland. This includes—

- an inquiry by the Session 1 EOC on Gypsy/Travellers and public sector policies. The inquiry report<sup>38</sup> (“the 2001 Report”) included 37 recommendations, covering accommodation, education, health, personal social services, policing and criminal justice, and promoting good relations;
- a review of progress on the 2001 Report’s recommendations in 2005, which was carried out by the Session 2 EOC. The report was postponed<sup>39</sup> pending the publication of the then Scottish Executive’s National Strategy and Action Plan on Race Equality;
- the Session 3 EOC follow-up, involving evidence on the Race Equality Statement.<sup>40</sup> The Statement was published in 2009 and set out the Scottish Government’s approach on race equality over the next three years. It proposed an education strategy for Gypsy/Travellers, funding for transit sites, community development and further engagement with young Gypsy/Travellers.<sup>41</sup>

### Focus of inquiries

24. We began by meeting with Gypsy/Travellers and Minority Ethnic Carers of People Project (“MECOPP”), a voluntary organisation working with black and ethnic minority carers. Although we heard encouraging stories about progress in some areas, and were heartened by the exemplary awareness-raising work being done by MECOPP, it was clear that, disgracefully, Gypsy/Travellers are still experiencing discrimination, frequent difficulties in securing an appropriate place to stay, and routinely poor access to public services.

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<sup>37</sup> Amnesty International. Written submission, paragraph 51.

<sup>38</sup> Scottish Parliament Equal Opportunities Committee. 1<sup>st</sup> Report, 2001 (Session 1). *Inquiry into Gypsy Travellers and Public Sector Policies* (SP Paper 356).

<sup>39</sup> Scottish Parliament Equal Opportunities Committee. 5<sup>th</sup> Report 2005 (Session 2). *Preliminary Findings on Gypsy/Travellers - Review of Progress* (SP Paper 432).

<sup>40</sup> Scottish Parliament Equal Opportunities Committee. *Official Report, 10 March 2009 and 24 March 2009*.

<sup>41</sup> Scottish Government, (2008) *Race Equality Statement*. Available at: <http://www.scotland.gov.uk/Topics/People/Equality/18934/RaceEqualityStatement> [Accessed 21 March 2013].

25. As well as raising the profile of the work done by MECOPP, we decided to hold two inquiries. The first, *Gypsy/Travellers and Care*<sup>42</sup>, focused on access to care services and improving the general health of Gypsy/Travellers, who we found to have disproportionately poor health outcomes.
26. We chose to look into Where Gypsy/Travellers Live after hearing that accommodation is at the root of many problems faced by Gypsy/Travellers. A call for evidence was launched in March 2012, and we visited Travelling persons' sites near Edinburgh, Dalkeith, Perth, Pitlochry, Oban and Lochgilphead where we saw for ourselves very distressing conditions. We also held an external meeting at Clinterty Travelling Persons' Site in February 2013, which gave us the opportunity to gather Gypsy/Travellers, local authorities and service providers together to explore, in partnership, how to move forward.

#### *Call for action*

27. What has stood out most during both inquiries is that there is an urgent need for action. In working with the Gypsy/Travelling community, trust is crucial. The lack of action following previous research and pilots, both perceived and very real, has left trust between Gypsy/Travellers and service providers hanging in the balance; this desperately needs to be addressed.

### LEADERSHIP

#### **Introduction**

28. Echoing findings in our *Gypsy/Travellers and Care*<sup>43</sup> report a lack of leadership was frequently raised as an issue. Shockingly, much of the evidence we heard on leadership echoed almost exactly that heard by our 2005 predecessors.<sup>44</sup> Amnesty said—

“...it is time that all local authorities learn from the good practice that is being developed, in partnership with the community to ensure Scottish Gypsy Travellers' human rights are being met.”<sup>45</sup>

29. Duncan Wilson (SHRC) said—

“We and the UK more generally have been criticised in the universal periodic review by the United Nations and by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, the UN Committee on the Elimination of Racial Discrimination, the UN Committee on Economic, Social and Cultural Rights, the European Court of Human Rights and the European Committee of Social Rights ... for the failure as yet to do what we are all proposing: to reconcile the rights of everyone. Labelling as illegal a community's action in seeking accommodation options where no others are available invokes a criminal justice response that really ought to be the last resort.”<sup>46</sup>

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<sup>42</sup> Scottish Parliament Equal Opportunities Committee, 3<sup>rd</sup> Report 2012 (Session 4). *Gypsy/Travellers and Care*. (SP Paper 184).

<sup>43</sup> Scottish Parliament Equal Opportunities Committee, 3<sup>rd</sup> Report 2012 (Session 4). *Gypsy/Travellers and Care*. (SP Paper 184).

<sup>44</sup> Scottish Parliament Equal Opportunities Committee. 5<sup>th</sup> Report 2005 (Session 2). *Preliminary Findings on Gypsy/Travellers - Review of Progress* (SP Paper 432).

<sup>45</sup> Amnesty International. Written submission, paragraph 5.

<sup>46</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 778.

## **Sources of leadership and ways forward**

### *Political representation*

30. We heard, even from the Minister for Housing and Welfare, Margaret Burgess (“the Minister”)<sup>47</sup>, that elected representatives may be reluctant to support Gypsy/Travellers. Jim Hume (Grampian Police) explained—

“... the provision of sites is not a popular subject and is not a vote winner for many people who are looking to get votes, be they councillors, community councillors or whatever.”<sup>48</sup>

31. Euan Page (EHRC) said—

“It has been intimated to us, as we mentioned in our written submission, that it is “political suicide” to be seen to be standing up for Travellers. We end up in a negative spiral of hugely inadequate provision leading to sensationalist local media coverage and to a failure—without sounding too negative—of political leadership to address the problem.”<sup>49</sup>

### *National and local leadership*

32. Community council witnesses felt that leadership should come from the Scottish Government and local authorities.<sup>50</sup> One community council witness suggested that current local authority approaches were in general negative, and about a ‘problem’, where they should be focused on more positive interactions.<sup>51</sup>

### *Lack of central leadership and legislation*

33. Jim Hume (Grampian Police) suggested that the current situation, with site provision being a recommendation as opposed to a statutory requirement, was insufficient—

“From the work that I have done on the issue over the past three and a half years, it seems to me that it is almost like asking the local authorities to fight with their hands tied behind their backs. They cannot get past the planning processes and community council processes, budget allocation and so on, because there is nothing that makes them have to provide sites.”<sup>52</sup>

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<sup>47</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1051.

<sup>48</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 4 February 2013, Col 959.

<sup>49</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 768.

<sup>50</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Cols 852-853.

<sup>51</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 859.

<sup>52</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 4 February 2013, Col 959.

34. He also highlighted the need for varying approaches across Scotland to be driven from the top—

“Those who are charged locally with taking decisions need to recognise that there are substantially different Traveller profiles in the area, which will impact on decisions. That is clearly a different issue from the question of where those sites should be and whether they should be large or small.”<sup>53</sup>

35. In its submission, the SHRC refers to the findings of its research paper, *Why Scotland Needs a National Action Plan for Human Rights*<sup>54</sup>—

“... whilst Scotland has a relatively strong legal and institutional framework for human rights and some examples of positive strategy and policy direction, the actual outcomes for people often remain inconsistent. This clearly reflects the experience of Scottish Gypsy/Travellers.”<sup>55</sup>

36. The SHRC spoke of piloting a process of human rights “interaction”<sup>56</sup> which follows a ‘FAIR’ (facts, analysis, identification, and reflection) framework, and suggested that model as a suitable approach for a national initiative, with the following aim—

“... Scottish ministers would exercise leadership in gathering together all those who share responsibilities, along with the communities that are directly affected, to ensure that the rights of Gypsy Travellers and others are recognised.”<sup>57</sup>

#### *Partnership and role models*

37. Michelle Lloyd (MECOPP), as well as raising the importance of leadership amongst service providers, highlighted the need for strong national statements and a ministerial champion, and suggested the use of national, Government-led public education campaigns in tackling discrimination.<sup>58</sup> Gavin Buist of the Association of Police Superintendents (“ASPS”) suggested that having positive role models from the Gypsy/Traveller community would help matters, citing how this had helped in fostering acceptance of other protected groups, such as those from black and minority ethnic backgrounds, LGBT people and disabled people.<sup>59</sup>

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<sup>53</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 4 February 2013, Col 965.

<sup>54</sup> Scottish Human Rights Commission. (2012) *Why Scotland Needs a National Action Plan for Human Rights*. Available at: <http://scottishhumanrights.com/actionplan/briefingreport> [Accessed 21 March 2013].

<sup>55</sup> Scottish Human Rights Commission. Written submission, page 5.

<sup>56</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 783.

<sup>57</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 782.

<sup>58</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Cols 896-897.

<sup>59</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, 898.

38. Following work in 2005, the Scottish Government's own Gypsy/Traveller strategic group highlighted the need for political leadership and an anti-racism campaign.<sup>60</sup> Although there have since been national anti-racism campaigns, notably 'Show Racism the Red Card', we heard that members of the settled community may not recognise Gypsy/Travellers as a distinct ethnic group, so may not view discriminatory behaviour towards them as racist. For example, one witness, a local-authority-employed Gypsy/Traveller Liaison Officer ("GTLO") said—

"Unfortunately, as a traditionally recognised group—I do not want to use the word "ethnic"—they never seem to have a good ambassador that speaks for them."<sup>61</sup>

*Action is needed*

39. The SHRC's summary of research suggests that whilst, on paper, Scottish Gypsy/Travellers' rights are referred to they have not been translated effectively into practice. Though the 2001 Report was welcomed, there was little evidence at either a national or local government level that the recommendations had been acted upon—

"Whilst acknowledging that the Scottish Government strengthened the requirements for local authorities regarding new housing provision for Gypsies/Travellers, the European Committee of Social Rights concluded in 2012 that the right of members of Gypsy/Traveller communities to housing is not effectively guaranteed across the UK."<sup>62</sup>

40. Among others, Michelle Lloyd (MECOPP) pointed out that various pieces of research had been carried out over the last 10 years, but that very few recommendations had been taken forward. She suggested the time had come to pull these recommendations and existing evidence together and run a few pilots. She felt that a multipronged approach, using a national plan and education, awareness-raising and local, direct work with Gypsy/Travellers would be needed in order to change attitudes and encourage Gypsy/Travellers to engage in the planning process.<sup>63</sup> Alex Jarrett, of the Association of Chief Police Officers in Scotland ("ACPOS"), suggested that a champion at Government level should develop an action plan, based on previous research, best-practice, shortcomings and outcomes, and work with community planning partnerships to ensure effective delivery across the country.<sup>64</sup>

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<sup>60</sup> Scottish Government. (2009) *Report Of The Gypsy/Traveller Strategic Group*. Available at: <http://www.scotland.gov.uk/Topics/People/Equality/18934/GTstrategicgroup> [Accessed 21 March 2013].

<sup>61</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 812.

<sup>62</sup> Scottish Human Rights Commission. Written submission, page 9.

<sup>63</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Cols 994-896.

<sup>64</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 899.



41. Gypsy/Traveller witnesses agreed that action had been lacking. Donald Stewart said—

“It has been all talk and we have not seen any action. It is about time that something got done, because neither we nor other Travellers are benefiting. No other sites are being built. We are not seeing any difference; it is just as hard as it used to be.”<sup>65</sup>

*Scottish Government*

42. The Minister agreed, as Gypsy/Travellers’ interests crossed multiple government portfolios<sup>66</sup>—

“Perhaps our having somebody with overall responsibility for the matter is the way forward to ensure that everything is addressed.”<sup>67</sup>

43. She stated strongly, however, that in her view legislation would be inappropriate—

“I do not see that legislating to make local authorities provide the sites would resolve the issue, because at the end of the day local authorities would still need to determine where the site would be, which would need to go through the planning process. That would take us back to where we are just now. I think that the issue is more about working with COSLA to encourage local authorities to involve people.”<sup>68</sup>

44. On the belief amongst witnesses that little progress had been made since the 2001 EOC’s recommendations, she made positive reference to work carried out in the North East, and said—

“Things have been done over the past 10 years. Considerable improvements have been made. The Scottish Government has provided funding from the housing budget for local authorities to improve their sites, and a number of pieces of work have been done in that regard.”<sup>69</sup>

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<sup>65</sup> Scottish Parliament Equal Opportunities Committee. *Official Report 7 February 2013*, Col 960.

<sup>66</sup> Scottish Parliament Equal Opportunities Committee. *Official Report, 21 February 2013*, Col 1047.

<sup>67</sup> Scottish Parliament Equal Opportunities Committee. *Official Report, 21 February 2013*, Col 1057.

<sup>68</sup> Scottish Parliament Equal Opportunities Committee. *Official Report, 21 February 2013*, Col 1048.

<sup>69</sup> Scottish Parliament Equal Opportunities Committee. *Official Report, 21 February 2013*, Col 1050.

45. We heard that the Scottish Government has plans to review and update its race equality statement in 2013<sup>70</sup>, and when asked whether a national public awareness campaign along the lines of 'Show Racism the Red Card' might be considered, the Minister gave an encouraging response—

“That is certainly worth considering, because it is clear that discrimination remains and has not been addressed as it perhaps could have been. We will look at that.”<sup>71</sup>

#### *Conclusion*

**46. Responsibility for support of Gypsy/Travellers lies across many government portfolios and local authorities, and for this very reason we feel it is crucial that an existing Scottish Government minister is given a new specific and overarching responsibility for the on-going support and profile-raising of Gypsy/Travellers.**

**47. There is a very real possibility of increased apathy amongst the Gypsy/Traveller population. We therefore strongly recommend that the Scottish Government launch a national public awareness-raising campaign aimed at tackling discrimination and racism against Gypsy/Travellers as soon as possible.**

**48. Although we appreciate that some progress has been made on past recommendations, it is clear that the level of progress actually experienced by Gypsy/Travellers is minimal. To this end, we recommend that the Scottish Government explore the suggestion of pulling together existing research into a single national action plan which allows the flexibility for regional variations. For this, and other recommendations, we would expect the Government to agree with all those involved a firm timescale for any action plan and provide regular progress updates.**

**49. There has been a failure of leadership on this issue at local, community and national level. Whilst we understand that regional situations vary widely, evidence strongly suggests a need for leadership from the Scottish Government in supporting the development of sites. We see this as being essential in supporting local authorities and elected representatives, both in bringing sites to fruition and setting an example against discrimination.**

**50. It is clear that the North East still presents particular challenges, both in developing new sites and improving community relations. We recommend that the Scottish Government consider piloting any new approaches in the North East.**

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<sup>70</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1062.

<sup>71</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1050.

## SITE DEVELOPMENT AND MAINTAINANCE

### Introduction

51. Following on from *Gypsy/Travellers and Care*, we heard again that site provision in Scotland is not sufficient. With some exceptions, sites in general are inappropriately located and of a poor standard. We were given the strong impression that often, even in cases where local authorities spoke positively of sites in their areas, Gypsy/Travellers' experience of actually living on such sites, and what we saw for ourselves, was far short of the mark. This suggests that many local authorities do not either understand, or care about, what Gypsy/Travellers actually want and need from sites.

### Quantity and quality of permanent site provision

#### *Limited, poor quality sites*

52. Based on evidence from local authorities and MECOPP, there are 28 all-year and 3 seasonal sites in Scotland.<sup>72</sup> Local authorities' evidence showed that very few have plans for new sites, either permanent or transit, giving reduced use of existing sites or limited resources to fund new sites as reasons.<sup>73</sup> GTLOs described pitch targets as 'outdated'<sup>74</sup> and highlighted under-occupancy of existing sites (blaming their inadequacy, not low demand)<sup>75</sup>. In oral evidence the EHRC explained that the three main challenges in developing sites are "land, legitimacy, and leadership".<sup>76</sup> One local authority witness explained that upgrading existing sites was seen as a priority over development of new sites.<sup>77</sup>

53. Mhairi Craig, a GTLO employed through Shelter, in comparing two sites she worked with, described different approaches taken to consulting with Gypsy/Travellers on improvements—

"Everything that has been done on the East Lothian and Midlothian site, such as the planned improvements, has taken place in consultation with the Travellers; the site manager and I have consulted the Travellers on every issue. The experience in Edinburgh has been the complete opposite. Everything that has happened has been forced upon the Travellers and they have not been consulted ... I can see the difference that working closely with the community makes to the attitudes of the Travellers towards the local authorities."<sup>78</sup>

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<sup>72</sup> MECOPP. Further submission.

<sup>73</sup> Scottish Parliament Information Centre. (2012) *Equal Opportunities Committee, Where Gypsy/Travellers Live briefing paper*. Available at: [http://www.scottish.parliament.uk/S4/EqualOpportunitiesCommittee/SPICe\\_briefing\\_Where\\_Gypsy\\_Travellers\\_live.pdf](http://www.scottish.parliament.uk/S4/EqualOpportunitiesCommittee/SPICe_briefing_Where_Gypsy_Travellers_live.pdf) [Accessed 21 March 2013].

<sup>74</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 809.

<sup>75</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 804.

<sup>76</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 768.

<sup>77</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 919.

<sup>78</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 815.

54. Argyll and Bute Community Housing Association (“ACHA”) described a strategic approach which included consultation with Gypsy/Travellers, action plans and frequent reporting on progress to its strategic board. Despite the positivity of this approach the concerns and priorities we heard from residents on ACHA sites, as detailed in the submission from Dunchologan Caravan Site Residents’ Association<sup>79</sup>, were not mentioned in oral evidence from ACHA.<sup>80</sup> One Gypsy/Traveller witness, Michelle Foy, gave a positive example of a site in North West England being developed and built by Home Space<sup>81</sup> in partnership with Gypsy/Travellers.<sup>82</sup>
55. Amenity blocks on Gypsy/Traveller sites are not covered by the Scottish Housing Quality Standard (“SHQS”), nor are privately-owned caravan/trailers. There is some doubt about the status of chalet-style homes situated on sites and rented from local authorities.<sup>83</sup>

#### *Private sites*

56. Both Gypsy/Travellers<sup>84</sup> and liaison officers<sup>85</sup> spoke of a desire amongst Gypsy/Travellers to plan for and develop their own sites, and the associated difficulties. Planning Aid for Scotland offer support to Gypsy/Travellers wishing both to build their own sites and to become involved in local authority planning. They also work with Article 12 to educate young Gypsy/Travellers on the planning process. One young Gypsy/Traveller, Iona Burke, explained—

“Getting planning permission was torture for us. People thought that we did not know what we were talking about and that they were right and we were wrong. When you know your rights, you can say, “No—this is what’s going to happen and this is how it’s going to get sorted, so that we have a place to come back to that we call home.” That is where Planning Aid for Scotland comes in. We should have the right to know what our rights are when we try to get planning permission.”<sup>86</sup>

#### *Scottish Government*

57. When asked about the general poor quality of sites, and whether inclusion of amenity blocks in the SHQS could be considered, the Minister responded—

“We are willing to look at that issue. I do not know whether it is something that we can take into the quality standards, but I will feed your views back to the relevant people.

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<sup>79</sup> Dunchologan Caravan Site Residents’ Association. Written Submission.

<sup>80</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 943.

<sup>81</sup> Home Space Sustainable Accommodation website. Available at:

<http://www.homespacesa.co.uk/Home.html> [Accessed 21 March 2013].

<sup>82</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1013

<sup>83</sup> Scottish Government. (2012) *Scottish Housing Quality Standard, Annex L: scope of the Scottish Housing Quality Standard (SHQS) target for social landlords*. Available at:

[www.scotland.gov.uk/Resource/0039/00392205.DOC](http://www.scotland.gov.uk/Resource/0039/00392205.DOC) [Accessed 21 March 2013].

<sup>84</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 4 February 2013, Col 990.

<sup>85</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 808.

<sup>86</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1011.

“Reading the reports about the condition of some of the sites, the issues that you raise are concerning, and we want to address them when you issue your final report.”<sup>87</sup>

#### *Conclusion*

**58. We were appalled at some of the standards we saw on sites, and disgusted that rent-paying tenants were faced with such bleak living conditions. We expect the Minister to find a way of establishing a required standard for site facilities, whether through statutory guidelines such as the SHQS or by some other means. As with other recommendations, work on establishing minimum standards should include the input of Gypsy/Travellers.**

**59. We recognise that making planning applications can be challenging even before taking into account the additional barriers of low-literacy and limited educational attainment. We commend the work of Planning Aid for Scotland and Article 12 in helping Gypsy/Travellers to engage with the planning process, and expect the Scottish Government to exercise continued support for such initiatives.**

#### **Planning within local authorities and Scottish Government support**

##### *Inaction on accommodation needs assessments*

**60.** Under the Housing (Scotland) Act 2001<sup>88</sup> all local authorities must develop local housing strategies, supported by an accommodation needs assessment. Guidance advises that information should be collected from different community and household groups.<sup>89</sup> However, very few local authorities appear to have acted on the results of such assessments. For example, a joint needs assessment commissioned by Aberdeenshire Council, Aberdeen City Council and Moray Council found a shortfall of 35 pitches over the Grampian region.<sup>90</sup> Witnesses applauded the interactive approach used, but criticised inaction.<sup>91</sup> Aberdeenshire Council<sup>92</sup> confirmed it had been endeavouring for several years to identify land to develop as transit sites, without success, but we heard from GTLO witnesses that land had now been identified<sup>93</sup>. GTLOs spoke of funding issues in general, and detailed a situation where funding was made available to build a new transit site and almost withdrawn due to inaction. Proposals to use the funding for services on temporary sites were being investigated.<sup>94</sup>

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<sup>87</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Cols 1044-1045.

<sup>88</sup> Housing (Scotland) Act 2001. Available at:

<http://www.legislation.gov.uk/asp/2010/17/contents/enacted> [Accessed 21 March 2013].

<sup>89</sup> Scottish Government and COSLA (2008). *Local Housing Strategy Guidance*. Available at:

<http://www.scotland.gov.uk/Resource/Doc/1125/0078700.pdf> [Accessed 21 March 2013].

<sup>90</sup> Craigforth. (2009) *Accommodation Needs Assessment of Gypsies/Travellers in Grampian*.

Available at: <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=32080&SID=109> [Accessed 21 March 2013].

<sup>91</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 854.

<sup>92</sup> Aberdeenshire Council. Written submission, paragraph 5.

<sup>93</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012. Col 817.

<sup>94</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 810.

*Statutory requirements and funding*

61. During oral evidence, the EHRC explained that although local authorities have a statutory duty to provide suitable accommodation to all residents, little account is taken of seasonal travelling patterns.<sup>95</sup> The SHRC summed up a theme common across written evidence received, that, in essence, the availability and quality of sites comes down to a “postcode lottery”<sup>96</sup> —

“One local authority might provide excellent accommodation compared to other areas. In some places in 21st century Scotland, it is quite shocking to see the lack of sanitation; you might expect to see it in a third world country. We are gravely concerned about those conditions.”<sup>97</sup>

62. Community councils suggested that there is a conflict between local authorities’ statutory requirements to provide housing for both the settled and Gypsy/Travelling communities, and local authority witnesses agreed that it was important to take account of the Gypsy/Traveller population in local housing strategies<sup>98</sup>. One community council witness suggested that identifying suitable land is a challenge as most undeveloped land near to towns and cities is earmarked for housing development; local authorities have little flexibility on this due to the need to meet Scottish Government-set quotas.<sup>99</sup> A local authority witness explained that, in identifying land for new sites, statutory requirements often lead to change-of-use implications on potential public-land sites. Often the only feasible options are on brownfield sites.<sup>100</sup>

*Equality duties framework*

63. When asked whether there should be a specific requirement for local authorities to provide sites, the EHRC pointed out that where there is a minimum requirement for, for instance, the number of sites, that tends to be all that is met.<sup>101</sup> They suggested that the concordat between central and local government is a potential barrier to intervention<sup>102</sup>, and that as an alternative Gypsy/Traveller accommodation should be considered in the context of the Equality Duties framework<sup>103</sup>. The EHRC has enforcement powers relating to specific duties, but they do not envisage using them.<sup>104</sup> Kevin Anderson (Midlothian Council) highlighted that the expectations and compulsion from the Scottish Housing Regulator had gone some way to encouraging best practice approaches.<sup>105</sup>

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<sup>95</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 765.

<sup>96</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 766.

<sup>97</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 766.

<sup>98</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 925.

<sup>99</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 861.

<sup>100</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 924.

<sup>101</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 771.

<sup>102</sup> Equality and Human Rights Commission (Scotland). Written submission, page 4.

<sup>103</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 767.

<sup>104</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 771.

<sup>105</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 934.

*Community planning partnerships*

64. Police representatives<sup>106</sup> suggested that community planning partnerships would be the ideal way to foster dialogue between groups during the planning process. Conversely, the EHRC<sup>107</sup> suggested that this may not take account of travelling patterns, and MECOPP expressed reservations regarding the fairness of the approach<sup>108</sup>.

*COSLA*

65. When asked to respond to our call for evidence, which included questions on how planning for Gypsy/Traveller sites is taken into account, the Convention of Scottish Local Authorities (“COSLA”) stated, in its entirety, that “COSLA does not provide services or have the relations of the sort you are seeking information about”.<sup>109</sup>

*Scottish Government*

66. In its response to the European Council on its *EU Framework Strategy for Roma Integration*<sup>110</sup>, the Scottish Government, referring to housing policy reforms developed in conjunction with COSLA in 2008, explained—

“These reforms have strengthened requirements in relation to provision for Gypsies/Travellers. These include requirements for local authorities to—

- assess the housing needs of Gypsies/Travellers as part of their housing need and demand assessment
- ensure that the needs of equality groups, including Gypsies/Travellers, are addressed in their local housing strategies
- identify suitable locations for sites for Gypsies/Travellers in their Development Plans where there is evidence of need”

67. On the development of the Scottish Government’s role in developing local housing strategies and the review process, Gordon Paterson of the Scottish Government’s Private Housing Services team, explained—

“The guidance was introduced in 2009. At the point at which local authorities are developing their local development plans, we engage with them and have a dialogue about how the needs of Gypsy Travellers are being considered. There has not been an assessment of that, as such. It is not the role of the Scottish Government to assess the plans, nor to have a statutory monitoring role, but we pick up the issue in terms of the on-going engagement that we have with local authorities on the planning side and on the housing need demand assessment and local housing strategy side.

<sup>106</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 899.

<sup>107</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 765.

<sup>108</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1022.

<sup>109</sup> COSLA. Written submission.

<sup>110</sup> European Commission. (2011). Council conclusions on an EU framework strategy for Roma integration up to 2020: United Kingdom of Great Britain and Northern Ireland. Available at: [http://ec.europa.eu/justice/discrimination/files/roma\\_uk\\_strategy\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_uk_strategy_en.pdf) [Accessed 21 March 2013].

“At the moment, we are in the process of reviewing the local housing strategies that are being developed. That is a peer-review process, in which the Scottish Government works with local authorities. We are confident that that provides an open dialogue with all local authorities in terms of the level at which Gypsy Traveller issues are considered alongside the needs of other population groups. The on-going monitoring of that takes place through dialogue between Government officials and local government officials.”<sup>111</sup>

68. The Minister said—

“Guidance is guidance, but we would expect it to be followed to an extent. ... The extent to which the guidance is followed is patchy and perhaps should be looked at. As the guidance is reviewed or rewritten and prepared again, we might be able to look at what sort of monitoring should be put in place and what our expectation of local authorities might be.”<sup>112</sup>

69. The Minister placed great emphasis on the role of COSLA, and gave a determined view that the way to move forward was through dialogue as opposed to legislation. When asked whether the concordat between the Scottish Government and local authorities could be seen as a barrier to government intervention, she responded—

“I do not see the concordat between the Scottish Government and COSLA as a barrier, but we need to work on the issues with COSLA and local authorities.”<sup>113</sup>

70. She added, however—

“If it is found to be a barrier and we cannot come to an agreement, we will reconsider.”<sup>114</sup>

### *Conclusion*

**71. We welcome the Scottish Government’s review of planning guidance for local authorities, but we are extremely concerned by the notion of ‘monitoring through dialogue’, particularly in light of the fact that in the four years since the guidance was published there seems to have been little progress. We are disappointed that the housing needs assessment process in particular does not appear to have yielded results for Gypsy/Traveller people. Given COSLA’s non-committal response to our call for evidence, we are unclear on the robustness of this approach, and strongly urge the Scottish Government to explore the following—**

- **how it might effectively measure ‘success’ in working with COSLA on implementation of guidelines;**

<sup>111</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1046.

<sup>112</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Cols 1048-1049.

<sup>113</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1047.

<sup>114</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1048.



- **whether a deadline on these measures of success, for instance three or five years, might be applied;**
- **what steps it might take if agreement cannot be found with COSLA on how to make progress;**
- **what options there may be, in this event, for the development of legislation.**

**72. We were disturbed by COSLA's response to our call for evidence, which gives the impression that it does not see its role as being to support local authorities during the planning process. We ask that COSLA clarify its position, and that local authorities, as far as COSLA's role allows, use COSLA as a forum for support and partnership.**

**73. We acknowledge that, under the equality duties framework, all key public sector bodies, including local authorities, must publish a detailed set of equality outcomes by 30 April 2013. We look forward to reviewing and following up on the EHRC's analysis of published outcomes.**

#### TENANCY AGREEMENTS

##### *Consistency*

**74. In its own research, Amnesty found little uniformity in how tenancy agreements are drawn up for permanent sites. Only three local authorities matched all criteria on the model tenancy agreement drawn up by Amnesty as a response to the 2001 EOC's recommendation.**

**75. Evidence from MECOPP also suggests that tenancy agreements vary from area to area and stated that some tenants feel agreements are heavily weighted towards the council. Fiona Townsley's written evidence said—**

**"I canna see why we shouldn't be treated the same way as people in a housing area, why they cannae enforce the tenancy agreement."<sup>115</sup>**

##### *Model tenancy agreement*

**76. GTLOs supported a move towards a standardised model for tenancy agreements. Brian Kane said—**

**"Central Government has laid a lot of things on local authorities. Policies should be laid down by central Government rather than things being interpreted in different ways by different local authorities."<sup>116</sup>**

**77. Local authority witnesses and ACHA suggested that a standardised tenancy agreement should be as close to possible as the Scottish secure tenancy.<sup>117</sup> ACHA uses the same agreement across each of its three sites, which includes**

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<sup>115</sup> Fiona Townsley. Further submission, page 3.

<sup>116</sup> Scottish Parliament Equal Opportunities Committee. *Official Report, 13 December 2012*, Col 827.

<sup>117</sup> Scottish Parliament Equal Opportunities Committee. *Official Report, 24 January 2013*, Cols 938-939.

the right to repair and to support for aids and adaptations.<sup>118</sup> Iona MacPhail (ACHA) pointed out that a national standard tenancy would reduce confusion for Gypsy/Travellers moving between local authorities, and may help given the prevalence of low literacy levels amongst Gypsy/Travellers.<sup>119</sup>

78. Both the SHRC and EHRC spoke of the human rights issues relating to inadequate or poor accommodation, for instance the Scottish Government's duty to comply with EU regulations. This includes the need for adequate sanitation, security of tenure, a duty to ensure that no one is evicted without due process and adequate provision of alternative accommodation, a respect for private and family life and the right to property and peaceful enjoyment of possessions.<sup>120</sup>

#### *Scottish Government*

79. The Minister expressed concern over the evidence from Gypsy/Travellers on tenancy agreements—

“That is something that we have to look at. I have talked a lot about the autonomy of local authorities, but no consensus was reached on a tenancy agreement, even though there was a lot of consultation and discussion. ... Any agreement should be about the rights and responsibilities of both parties. It should be clear to Gypsy Travellers, when they are on a site, what services they should expect from the landlord of the site, so I hope that tenancy agreements would include that clearly.”<sup>121</sup>

#### *Conclusion*

80. **It is essential that Gypsy/Travellers, as site tenants, have the same rights and responsibilities as people living in fixed housing. We welcome the Minister's agreement on this, and expect that the Scottish Government will, as a priority, work with Gypsy/Travellers, local authorities, ACHA and Amnesty International on the development and implementation of a standard Gypsy/Traveller site tenancy agreement, containing as a minimum rights and responsibilities for all parties comparable to the Scottish Secure Tenancy Agreement.**

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<sup>118</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 939.

<sup>119</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 939.

<sup>120</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 769.

<sup>121</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1049.

## GYPSY/TRAVELLER LIAISON OFFICERS

### *Introduction*

81. The 2001 inquiry<sup>122</sup> recommended that local authorities should appoint GTLOs, whose role was to be separate from that of site managers. GTLOs would develop information and support services for Gypsy/Travellers, as well as appropriate mechanisms for consultation. Throughout both this and our *Gypsy/Travellers and Care* inquiry we heard that there are mixed approaches on this role, as well as mixed views on the need for GTLOs. However, most witnesses agree that the role is often vital in helping Gypsy/Travellers access services.

### *GTLO's in practice*

82. Amnesty's research found that, out of 29 Scottish mainland authorities, only 10 said they employed a GTLO, although 14 employed a site manager whose job description included liaison with Gypsy/Travellers on temporary sites. It also reported that many local authorities said that much additional work liaising with Gypsy/Travellers was taken up by different departments, such as housing, social services, education and environmental services.<sup>123</sup> Submissions from local authorities concur with Amnesty's findings, and indicate that different approaches are being employed.

83. Argyll and Bute does not have a dedicated GTLO, however ACHA has housing officers that visit their sites on a weekly basis and have related positive feedback from residents on this approach.<sup>124</sup> This contrasts with what we were told on site visits to Ledaig and Dunchologan, where residents said that they would appreciate housing officers coming to their doors for a chat as opposed to carrying out a brief inspection of the site or sitting in an office for two to three hours a week.

### *Combined role vs. dedicated role*

84. Michelle Lloyd (MECOPP) pointed out that the roles of site manager and GTLO require a very different skill set<sup>125</sup>, and Lynne Tammi (Article 12) explained that the dual role is complex and challenging, leaving some GTLOs overworked<sup>126</sup>. Helen Watson (NHS Greater Glasgow and Clyde) suggested that, as opposed to using local authority boundaries, it could be beneficial to base the spread of GTLOs on the Gypsy/Traveller population and their patterns of travel<sup>127</sup>; however, Michelle Lloyd said that an even better investment would be to increase capacity within the Gypsy/Traveller community and facilitate access to services so that the GTLO was not needed as an intermediary<sup>128</sup>.

85. GTLOs and site managers gave varying perspectives. Those carrying out both roles felt that the combined approach was most effective, and that there was no

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<sup>122</sup> Scottish Parliament Equal Opportunities Committee. 1<sup>st</sup> Report, 2001 (Session 1). *Inquiry into Gypsy Travellers and Public Sector Policies* (SP Paper 356).

<sup>123</sup> Amnesty International. Written submission, paragraphs 11-12.

<sup>124</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 943.

<sup>125</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 905.

<sup>126</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 904.

<sup>127</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 906.

<sup>128</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 905.

conflict of interests.<sup>129</sup> GTLOs employed through voluntary organisations felt that their separation from the local authorities helped to improve levels of trust and impartiality, and to emulate the role of organisations, such as Shelter, in helping individuals in fixed accommodation.<sup>130</sup> Dave Black (Grampian Regional Equality Council (“GREC”)) emphasised that he felt that it was beneficial to have a separation between those carrying out a GTLO role and those enforcing eviction notices.<sup>131</sup> The combining of roles as a cost-saving measure was raised.<sup>132</sup> In liaising with Gypsy/Travellers in fixed housing, word-of-mouth was raised as being of key importance.<sup>133</sup>

86. Amnesty<sup>134</sup>, ACPOS<sup>135</sup> and the Scottish Traveller Education Programme (“STEP”)<sup>136</sup> all indicated in submissions their view that GTLOs are necessary and should be developed. Amnesty pointed out that, due to the need for trust, such a role is best suited to an individual, and highlighted positive examples where individuals are employed from outwith local authorities.

### *Mainstreaming*

87. In oral evidence, the SHRC advocated the mainstreaming of support for Gypsy/Travellers within local authorities, and suggested that the GTLO role carries a risk of tokenism—if one person is seen as having responsibility it can remove focus from the overall responsibility of the local authority to support the Gypsy/Traveller community—and that there is no need for a third person when two parties can communicate directly unless the individual comes themselves from the Gypsy/Travelling community.<sup>137</sup> EHRC supported this, saying that the role should not be prescriptive, and that whilst the role could be useful it shouldn't be seen as a substitute for mainstreaming.<sup>138</sup>

### *Scottish Government*

88. In our *Gypsy/Travellers and Care* report we recommended that all 32 local authorities reconsider the role of GTLOs in partnership with Gypsy/Travellers. The Scottish Government has highlighted this recommendation to COSLA; to date COSLA has not provided a response. In its update on progress against the recommendations, the Scottish Government confirmed that, moving forward, the Equality Unit, Housing and Local Government will consider how best to work with local authorities to consider how to maximise the role of GTLOs.<sup>139</sup>

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<sup>129</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Cols 820-823.

<sup>130</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 823.

<sup>131</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 821.

<sup>132</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 822.

<sup>133</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 825.

<sup>134</sup> Amnesty International. Written submission, paragraphs 13-15.

<sup>135</sup> Association of Chief Police Officers in Scotland. Written submission, page 1.

<sup>136</sup> Scottish Traveller Education Project. Written submission, page 2.

<sup>137</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 785.

<sup>138</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 786.

<sup>139</sup> Scottish Government Response on Recommendations – progress update, *Gypsy/Travellers and Care*. Available at:

*Conclusion*

89. **We are not surprised to hear again following our *Gypsy/Travellers and Care* report that various approaches are being used, and recognise that no single approach should be prescribed, or indeed imposed, by local authorities. However, we are unaware of any review of the role since it was first proposed in 2001. We feel strongly that, where the role of GTLO is adopted, it should be done jointly between local authorities and site residents. We recognise that the establishment of residents' associations, such as the one at Dunchologan near Lochgilphead, could help remove undue obstacles to the appointment of Gypsy/Travellers as GTLOs.**
90. **We are concerned by the lack of response from COSLA on our recommended review of the role. We seek a commitment from COSLA to work on this issue, and urge the Scottish Government to engage with COSLA on the matter, with an emphasis on concerns that in some cases the GTLO role has been developed primarily in the interests of the local authority.**

TRANSIT AND TEMPORARY SITES

*Introduction*

91. Traditionally, Gypsy/Travellers had specific places a family might return to for generations. These are now often blocked up, have been developed or belong to private landowners. In other parts of the UK, local authority transit sites<sup>140</sup> have been used as a solution to a lack of stopping places, however evidence suggests that this approach may not be the ideal, or only, solution. Submissions from Amnesty<sup>141</sup>, the SHRC<sup>142</sup> and the EHRC<sup>143</sup>, and evidence from community council witnesses<sup>144</sup> all highlight the fact that a main cause of tension between the Gypsy/Traveller and 'settled' populations is the occurrence of temporary sites on private or communal land. Such sites are often called 'unauthorised encampments', however in recognition that this is a negative term, we have chosen in this report to use the phrase 'temporary site'.
92. Gavin Buist (ASPS) explained that he had found local communities essentially supportive of Gypsy/Travellers until they stopped nearby and the "rhetoric changed literally overnight from general support for the concept to, "Why are we not taking enforcement action?"".<sup>145</sup>

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<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/49020.aspx>

[Accessed 21 March 2013].

<sup>140</sup> Shelter. (2013). *Council Sites for Gypsies and Travellers*. Available at:

[http://england.shelter.org.uk/get\\_advice/finding\\_a\\_place\\_to\\_live/sites\\_for\\_gypsies\\_and\\_travellers/council\\_sites](http://england.shelter.org.uk/get_advice/finding_a_place_to_live/sites_for_gypsies_and_travellers/council_sites) [Accessed 21 March 2013].

<sup>141</sup> Amnesty International. Written submission, paragraph 34.

<sup>142</sup> Scottish Human Rights Commission. Written submission, page 7.

<sup>143</sup> Equality and Human Rights Commission (Scotland). Written submission, page 2.

<sup>144</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 845.

<sup>145</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 888.

93. The EHRC suggested that lack of local authority site provision is the root cause of Gypsy/Travellers setting up roadside camps or stopping on private land.<sup>146</sup> The seasonal “flash points” caused by temporary sites are responsible for much of the negative media reporting, and as a consequence much of the poor relations between the settled and Gypsy/Traveller communities. Euan Page said—

“... unlikely to change any time soon unless the wider questions around political leadership, media portrayal of Gypsy Travellers and disputes over land, stopping places and settlements are addressed, and authorities individually use the regulatory tools that are available to them through the statutory equality duties and the Human Rights Act 1998, and collectively make sure that they are not falling into the trap of silo working by setting outcomes through the community planning process that do not take account of the fact that Gypsy Traveller communities move across local authority boundaries seasonally.”<sup>147</sup>

94. Community councils expressed their concerns regarding temporary sites, which related to noise, harassment and intimidation whilst sites were occupied, and to fly-tipping and general mess, including human waste, once sites had been abandoned, and a reduction in incoming tourism.<sup>148</sup> They explained that business owners also had concerns regarding security and loss of stock.<sup>149</sup> These issues, along with the general resulting reputation of Gypsy/Travellers amongst the settled community, were given as the main reasons for local objection to the development of new sites.<sup>150</sup>

### **Working with Gypsy/Travellers staying on temporary sites**

#### *What is a temporary site?*

95. When Gypsy/Travellers are travelling, whether for work or leisure, they may stop over on grass verges, lay-bys, car parks or parks, among other places. In our glossary, we describe these sites as temporary sites. They are often situated to allow access to services and shops. Because they are informal, there may not be sanitary or refuse facilities *in situ*, though some local authorities may provide them if requested. These sites are often referred to as illegal or unauthorised encampments, which we acknowledged in our *Gypsy/Travellers and Care*<sup>151</sup> report to be negatively and unhelpfully phrased.

#### *Regional approaches*

96. Some local authorities’ submissions suggest that they operate a broadly similar approach to managing temporary sites (Angus Council<sup>152</sup>, Scottish Borders Council<sup>153</sup>, South Ayrshire Council<sup>154</sup> and West Dunbartonshire Council<sup>155</sup>),

<sup>146</sup> Equality and Human Rights Commission (Scotland). Written submission, page 2.

<sup>147</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 765.

<sup>148</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Cols 842-844.

<sup>149</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 843.

<sup>150</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 849.

<sup>151</sup> Scottish Parliament Equal Opportunities Committee, 3<sup>rd</sup> Report 2012 (Session 4).

*Gypsy/Travellers and Care*. (SP Paper 184).

<sup>152</sup> Angus Council. Written submission, paragraph 10.

<sup>153</sup> Scottish Borders Council. Written submission, page 2.

involving joint working between council departments, including the GTLO if there is one, and with the police and healthcare providers. Where the site is privately owned, the landowner will be informed of the legal process for removing individuals camping without permission. The number of temporary sites can vary widely between local authorities – in oral evidence one GTLO spoke of 18 encampments within a 10-month period; another spoke of 75 in a year.<sup>156</sup>

*Police management of temporary sites*

97. The ASPS submission said that lack of local authority sites creates ‘knock-on problems’ for the police.<sup>157</sup> Gavin Buist explained that one of the main difficulties in managing temporary sites arose from pressure from landowners and local media in opposition. It is often not possible to reach the stage where Gypsy/Travellers can be helped in accessing local services before they are asked to move on.<sup>158</sup> This was echoed in evidence from NHS Grampian<sup>159</sup> and ACPOS<sup>160</sup>.

98. Alex Jarrett (Fife Constabulary) explained that ACPOS is moving towards looking at the issue of “unauthorised encampment” not through the “prism of prosecution”, but through a mainstreaming approach in which the needs of Gypsy/Travellers were considered alongside the needs of all groups within the community.<sup>161</sup> He also said that guidelines from the Procurator Fiscal Service and Crown Office, template letters for issue to landowners, and standard operating procedures which were being rolled out across the greater police service, had proved helpful in clarifying the police service’s position on temporary sites and generating consistency.<sup>162</sup>

99. ACPOS guidance<sup>163</sup> advises a presumption against prosecution with regard to these sites. Alex Jarrett explained that the initial aim amongst police is not to evict, but to establish the size of the camp and the needs of those staying there, before working with support partners in the local authority and health services to support these needs with action expected within one to two days.<sup>164</sup>

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<sup>154</sup> South Ayrshire Council. Written submission, paragraph 4.

<sup>155</sup> West Dunbartonshire Council. Written submission, paragraph 9.

<sup>156</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Cols 807-808.

<sup>157</sup> Association of Scottish Police Superintendents. Written submission, page 2.

<sup>158</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Cols 876-877.

<sup>159</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 877.

<sup>160</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Cols 877-878.

<sup>161</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 878.

<sup>162</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 884.

<sup>163</sup> Association of Chief Police Officers in Scotland (2011). *ACPOS Operational Guidance – The management of unauthorised Gypsy/Traveller encampments*. Available at: <http://www.acpos.police.uk/Documents/Policies/ManagementEncampmentsv2.0.pdf> [Accessed 21 March 2013].

<sup>164</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Cols 878-879

*Scottish Government*

100. The Scottish Government placed emphasis on the importance of maintaining and tidying sites once Gypsy/Travellers have left, and highlighted that responsibility should lie both with local authorities and Gypsy/Travellers using stopping places.<sup>165</sup>

*Conclusion*

101. **We are relieved to hear of the positive and progressive approaches being used by the police in the management of “unauthorised encampments”, and hope that the development of the single police force will strengthen these approaches. We recommend that the Scottish Government, in its support role for other statutory services, take further steps to encourage a similar approach for health, education, social work and other local authority departments through the review and development of guidance and template forms and letters designed with accessibility in mind.**

**Transit sites**

102. Research by Amnesty showed that due to the loss of or blocking off of traditional stopping sites, as well as “restrictive policies on permanent local authority sites”, there is a need for local authorities to provide, in addition to more permanent sites, more places for Gypsy/Travellers to stop for short periods of time. They highlighted the need for a national approach, in tandem with a national strategy to tackle discrimination against Gypsy/Travellers.<sup>166</sup> This was echoed in oral evidence from the EHRC<sup>167</sup> and SHRC<sup>168</sup>.

103. Douglas Scott (Scottish Borders Council) felt that a regional, evidence-based approach was crucial, and that it was possible that effective, tolerant management of temporary sites was more beneficial than establishment of transit sites.<sup>169</sup> He also suggested that encouraging holiday park owners to welcome Gypsy/Travellers, of which there was a good example in his area, was an approach that could work.<sup>170</sup> Speaking of that example, one Gypsy/Traveller witness told us—

“Travellers have to book—maybe a month ahead—and are allowed to stay only for six weeks. It has something like 10 pitches. My brothers stayed on it in the summertime. Tourists stay on the same site, but they keep to their own bits. It works out really well.”<sup>171</sup>

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<sup>165</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1053.

<sup>166</sup> Amnesty International. Written submission, paragraphs 27 and 30.

<sup>167</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Cols 767-768.

<sup>168</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2012, Col 767.

<sup>169</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 936.

<sup>170</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 945.

<sup>171</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Cols 1012-1013.



104. Iona MacPhail explained that ACHA tries in all cases to advise those on temporary sites when there are available pitches on permanent sites, and that this had extended to advising neighbouring local authorities to pass on a similar message to residents of temporary sites in their areas.<sup>172</sup>

*Community perspective*

105. Community councils implied that more transit and permanent sites would be desirable, but suggested that the settled community would not like to have them near to existing housing<sup>173</sup>. The belief that Gypsy/Travellers themselves would prefer to remain apart from 'settled' housing was used to support this.<sup>174</sup> Conversely, Kathryn Hilditch (Planning Aid for Scotland) explained that planners often fail to realise that some Gypsy/Travellers prefer to be near to towns, and in particular services such as schools.<sup>175</sup>

*Use of transit sites*

106. There was concern over whether Gypsy/Travellers would choose to use new transit sites because locations may not be considered suitable by Gypsy/Travellers<sup>176</sup>; site quality and facilities may be poor<sup>177</sup>; Gypsy/Travellers may not pay for a pitch when they could stay elsewhere for free<sup>178</sup> and; there may be little on-going funding available for site maintenance<sup>179</sup>.

107. Gypsy/Travellers themselves had differing perspectives on developing transit sites. Katrina Stewart said—

“If there were transit sites for people to go to for three or four weeks in the summer, no one, including the council, would get any hassle. The councils keep saying that they get these big bills because they have to clear up rubbish and that they have all these other problems. If they made transit sites in towns, they would not have any hassle from Travellers. That would be the end of their problems.”<sup>180</sup>

108. Lizzie Johnstone suggested that there was a risk of transit sites becoming permanently occupied by single groups—

“The thing that has to be watched, if the Travellers come in force, is the fact that they could be taking over a site. The number of transit sites up and down the country would have to be limited, with the scheme being fair to everyone so, if they wanted a few days or weeks or whatever, they would have to limit them to ensure that they are maybe allowed only a fortnight before they have to move on.”<sup>181</sup>

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<sup>172</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Cols 929-930.

<sup>173</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 862.

<sup>174</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 851.

<sup>175</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 886.

<sup>176</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 833.

<sup>177</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 848.

<sup>178</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 849.

<sup>179</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 855.

<sup>180</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1006.

<sup>181</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1008.

109. Gypsy/Traveller witnesses were on the whole more in favour of opening up traditional stopping places, such as lay-bys, and providing sanitary and refuse collection facilities at such places when needed. Georgia McCann explained—

“I think that roadside camps—traditional roadside stopping places—should be reopened, so that we can move where our families have been for generations, and so that I can take my children and say to them, “This is where your grandfather stayed. This is where I stayed as a child”.”<sup>182</sup>

*Mapping of traditional stopping places*

110. Most witnesses supported the suggestion of a mapping exercise, highlighting the importance of local knowledge, effective dialogue, collective responsibility and a monitoring function. There appeared from written evidence to be an assumption in certain areas that there were no Gypsy/Traveller residents, but no evidence of how this had been established.<sup>183</sup> Local authority and housing association witnesses agreed that existing records on temporary sites could be used in mapping<sup>184</sup>, as long as Gypsy/Traveller input was sought. Dave Black (GREC) said, however—

“The bigger problem has been not identifying where sites should be, but the challenges that have been faced in trying to bring sites to fruition in those places, such as the negative attitudes of communities, community councils and elected officials in those areas, who do not want that to happen in their back yard.”<sup>185</sup>

111. Brian Kane, a GTLO employed by South Ayrshire Council, suggested that public pressure was a root cause of traditional stopping places being blocked off, for instance by the installation of height barriers in car parks.<sup>186</sup> One community council witness gave the impression that perceived effects on tourism might cause local authorities to block off potential stopping places.<sup>187</sup>

112. ACPOS explained that their Gypsy/Traveller reference group was mapping good practice, both within and outside the police service, and as part of this would be gathering information on temporary sites with the aim of establishing whether there was a pattern.<sup>188</sup>

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<sup>182</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1007.

<sup>183</sup> Comhairle nan Eilean Siar (Western Isles Council). Written submission.

<sup>184</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 24 January 2013, Col 918.

<sup>185</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 813.

<sup>186</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Col 812.

<sup>187</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 843-844.

<sup>188</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 890.

*Scottish Government*

113. In 2012, the then Minister for Housing and Communities, Alex Neil, established and chaired a working party covering Aberdeen City, Aberdeenshire and Moray comprising individuals and representatives of local authorities, police and individual representatives of both Gypsy/Traveller and settled communities. An interim strategy was published in March 2011<sup>189</sup>, though we heard that there was perceived to be limited action on recommendations<sup>190</sup>.

114. When asked about transit sites, the Minister said—

“I think that they [transit sites] are a useful tool. If the Gypsy Traveller community thinks that they are a useful tool, we should be considering that.”<sup>191</sup>

115. On the opening up of traditional stopping places, her response was—

“I would have to look at that. It would depend on where those traditional stopping places are, what state they are in and what it would take to bring them back up to a useable standard. I will certainly look at that suggestion and come back to the committee on it, if necessary, but at this stage I do not know which sites have been blocked, where they are, what state they are in or how long they have been blocked for. We need to look at all that first.”<sup>192</sup>

*Conclusion*

116. **Overwhelmingly, we heard that service providers and local authorities would welcome transit sites, and that such an approach would even be favoured by community councils if locations were deemed appropriate. To our surprise, however, we heard an opposing view from many Gypsy/Traveller witnesses, which only serves to emphasise how little understanding of the community decision makers may have. We therefore urge the Scottish Government, in the development of any national strategy, to ensure that consultation with both local Gypsy/Travellers and those passing through the area is an essential feature in guidance issued to local authorities.**

117. **The possibility of reopening traditional stopping places must be explored. In many cases, given that we heard that stopping places may have been blocked off purely to appease the local settled community, physically reopening them could in practice involve a straightforward removal of the obstacles installed. We ask that the Scottish Government carry out a review of traditional stopping places, based both on local authority and police records and in consultation with Gypsy/Travellers and local communities to explore the possibility of unblocking sites and providing services where needed.**

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<sup>189</sup> Scottish Government. (2011) *Working Party Strategy*. Available at: <http://www.scotland.gov.uk/Topics/Built-Environment/Housing/16342/management/gt/wpstrategy> [Accessed 21 March 2013].

<sup>190</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 4 February 2013, Col 960.

<sup>191</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1051.

<sup>192</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1052.

118. It is clear that regional approaches will need to vary. To this end, we expect that any national action plan the Scottish Government develops will suggest that local authorities use multiple options, including but not limited to: unblocking stopping places; developing both transit and permanent sites; effective management of temporary sites; and liaison with holiday park owners.

## ENCOURAGING ACCESS TO SERVICES AND SUPPORT

### *Introduction*

119. We heard, as in our *Gypsy/Travellers and Care* inquiry that, largely as a result of where they live, Gypsy/Travellers experience extreme difficulties in accessing many of the services the settled community take for granted. As well as site locations meaning that local amenities are hard to access<sup>193</sup>, the stigma of living on a site can lead to discrimination and a transient lifestyle can make it difficult to access consistent support. Much support in accessing services in the settled community comes from the wider community, which we heard may have limited interaction with Gypsy/Travellers.<sup>194</sup> As an alternative, the Gypsy/Traveller community must often rely on the voluntary sector for support. GTLOs spoke of their role as being important in helping Gypsy/Travellers, both on permanent sites and temporary sites, and in fixed housing, to access services such as health care and education, both in terms of signposting and advocacy.<sup>195</sup>

### **Inequalities in accessing public services**

#### *Site locations*

120. Gavin Buist (ASPS) suggested that some temporary sites may be set up to allow access to essential services such as education and town centre amenities, which many formal sites may not offer. He proposed that asking Gypsy/Travellers what they actually needed out of a site as opposed to assuming that they would prefer seclusion would be a potential starting point in planning.<sup>196</sup>
121. We heard both in this inquiry and our *Gypsy/Travellers and Care* inquiry that some Gypsy/Travellers had felt the need to go into fixed-housing to access appropriate healthcare services. Lizzie Johnstone explained that she was “forced to go into a house so that I could get proper medication and health services for my younger son”<sup>197</sup> and that one site she had lived on “was just not suitable for people with disabilities and it was hard for doctors or midwives who were carrying out visits even to find the location.”<sup>198</sup>

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<sup>193</sup> Dunchologan Caravan Site Resident's Association. Written submission.

<sup>194</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 10 January 2013, Col 843.

<sup>195</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 13 December 2012, Cols 821-823.

<sup>196</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 891.

<sup>197</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1004.

<sup>198</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 7 February 2013, Col 1012.

*Access to justice*

122. Michelle Lloyd (MECOPP) pointed out that Gypsy/Travellers are very often the victims of crime, for instance theft or attack. Due to a lack of trust in local police, such crimes often go unreported.<sup>199</sup> The SHRC submission<sup>200</sup> highlights that members of Gypsy/Traveller communities report an inability to access services such as legal advice and representation, and legal aid.

*Good practice*

123. We were delighted to hear examples of good practice in terms of building relations between Gypsy/Travellers, the settled community and service providers. GREC described a 'Dialogue Day' held in 2011, which aimed to improve relations and progress issues relating to Gypsy/Travellers in the Grampian area. A positive outcome of the day was described as the way in which a diverse range of people came together to discuss issues and make progress on them.<sup>201</sup> Nigel Firth (NHS Grampian) drew attention to the success of the event, and suggested that it had played a key role in Aberdeen City Council's plans (announced in January 2013) to build a further two sites, one for permanent accommodation and one for short-term stays, in the area.<sup>202</sup> ACPOS and ASPS both spoke of recent and on-going guidance reviews, including development days which would bring together police officers, partners and Gypsy/Travellers to consider policies together.<sup>203</sup>

124. Despite hearing examples of good practice, Michelle Lloyd (MECOPP) suggested that funding might be an issue—

“... there are examples of good practice and materials ... to do with dispelling myths and raising awareness. However, those examples exist in pockets and are often delivered by the third sector, which in the current climate is on a shoestring. We need a programme of work that is properly resourced.”<sup>204</sup>

*Scottish Government*

125. In its response to our inquiry report<sup>205</sup> on *Gypsy/Travellers and Care*, the Scottish Government specified that it would be undertaking its own review of existing and emerging evidence on the Gypsy/Traveller population and their service usage and requirements. It also gave details of a new cross-government group set up to consider the needs of the Gypsy/Traveller community in a joined-up and strategic way. This group will prioritise action points arising from the report recommendations, including—

- how awareness-raising, particularly at leadership level, can be embedded throughout organisations

<sup>199</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 883.

<sup>200</sup> Scottish Human Rights Commission. Written submission, page 7.

<sup>201</sup> Grampian Regional Equality Commission. Written submission, pages 4-5.

<sup>202</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 887.

<sup>203</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Cols 879-880.

<sup>204</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Col 903.

<sup>205</sup> Scottish Government Response on Recommendations – progress update, *Gypsy/Travellers and Care*. Available at:

[http://www.scottish.parliament.uk/S4\\_EqualOpportunitiesCommittee/Gypsies\\_Travellers\\_response\\_to\\_EOC\\_recommendations\\_-\\_update\\_-\\_20\\_Feb\\_2013.pdf](http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Gypsies_Travellers_response_to_EOC_recommendations_-_update_-_20_Feb_2013.pdf) [Accessed 21 March 2013].

- how to ensure that appropriate language is used, and whether there is an alternative term to ‘unauthorised encampment’, with fewer negative connotations, that could be championed
- establishing gaps in information relating to the Gypsy/Traveller population in Scotland

126. In an updated response, we were heartened to hear that progress has already been made on revision of GP registration forms and contracts, maternity care, best-practice guidance and the Government’s adaptations working group.<sup>206</sup>

127. We appreciate assurances that the group intends to move with speed<sup>207</sup>, and the Minister’s stance—

“We are clear that we think that the Gypsy Travellers’ way of life should be maintained. I agree that people should not be forced to give up a lifestyle simply to get services. If there is strong evidence of that through the inquiry, we will certainly look into it and take it very seriously. When we say that local authorities should accommodate and have provision for Gypsy Travellers, we clearly mean Gypsy Travellers, their lifestyle and their way of life. If that is not clear enough, we will make it clear.”<sup>208</sup>

### *Conclusion*

128. **Examples of good practice are extremely encouraging; however it is obvious that these are often localised and small-scale. We look forward to progress updates on the Scottish Government’s on-going work, and expect it to continue to support voluntary organisations. We ask that, in moving forward, the Scottish Government explore how pilots and projects can be replicated, for instance by seeking out the involvement of other voluntary organisations to target areas with little engagement work to date.**

### **Services for children**

#### *Education*

129. The SHRC stated that there are well-documented concerns regarding the educational outcomes of Scottish Gypsy/Traveller children.<sup>209</sup> They raised the importance of enabling young Gypsy/Travellers to engage with the education system, and of integrating positive images of Gypsy/Travellers into the educational materials in general as opposed to limiting teaching of other cultures to tokenistic cultural awareness lessons.<sup>210</sup>

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<sup>206</sup> Scottish Government Response on Recommendations – progress update, *Gypsy/Travellers and Care*. Available at:

[http://www.scottish.parliament.uk/S4\\_EqualOpportunitiesCommittee/Gypsies\\_Travellers\\_response\\_to\\_EOC\\_recommendations\\_-\\_update\\_-\\_20\\_Feb\\_2013.pdf](http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Gypsies_Travellers_response_to_EOC_recommendations_-_update_-_20_Feb_2013.pdf) [Accessed 21 March 2013].

<sup>207</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1054.

<sup>208</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1050.

<sup>209</sup> Scottish Human Rights Commission. Written submission, page 6.

<sup>210</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 6 December 2013, Col 780.

*Education for Gypsy/Travellers*

130. STEP, Planning Aid for Scotland, Article 12 and MECOPP<sup>211</sup> all agreed that education for young Gypsy/Travellers was key, in particular in encouraging them to engage with the planning process and conflict resolution activities with their peers. The hope was that the younger generation would be able to support and represent the older generation, in particular those who may find it hard to engage due to low levels of literacy.

*Scottish Government*

131. The Scottish Government, following on from its Race Equality Statement, has highlighted as a priority the need to develop and implement an education strategy for Gypsy/Travellers as well as travelling showpeople, and to develop further engagement work with young Gypsy/Travellers.

132. When asked whether the Scottish Government's *Getting it Right for Every Child* ("GIRFEC")<sup>212</sup> strategy could be developed specifically to help the Gypsy/Traveller community, the Minister responded—

"That is something that the department group is looking at; we will certainly also go back to the education side. It is concerning to everyone that Gypsy Traveller children—particularly in secondary schools; I read the evidence on that—are being discriminated against and bullied and are frightened to go to school. Education is not in my portfolio, but that will be fed back and you will get a response on it."<sup>213</sup>

133. In its updated response to our *Gypsy/Travellers and Care* inquiry, regarding our recommendation that Gypsy/Travellers be included in forthcoming outreach and adult learning strategies, the Scottish Government confirmed—

"Officials in Education Scotland have raised the recommendation with the Adult Literacies in Scotland 2020 Strategic Implementation Group and they have agreed to put it into the business Planning process for next year – initially by doing a mapping exercise of adult literacies/ learning work that already happens across Scotland with the Gypsy/Traveller community."<sup>214</sup>

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<sup>211</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 17 January 2013, Cols 895-896.

<sup>212</sup> Scottish Government (2013). *Getting it Right for Every Child*. Available at: <http://www.scotland.gov.uk/Topics/People/Young-People/gettingitright> [Accessed 21 March 2013].

<sup>213</sup> Scottish Parliament Equal Opportunities Committee. *Official Report*, 21 February 2013, Col 1060.

<sup>214</sup> Scottish Government Response on Recommendations – progress update, *Gypsy/Travellers and Care*. Available at: [http://www.scottish.parliament.uk/S4\\_EqualOpportunitiesCommittee/Gypsies\\_Travellers\\_response\\_to\\_EOC\\_recommendations\\_-\\_update\\_-\\_20\\_Feb\\_2013.pdf](http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Gypsies_Travellers_response_to_EOC_recommendations_-_update_-_20_Feb_2013.pdf) [Accessed 21 March 2013].

*Conclusion*

134. **The Scottish Government made a commitment in the past to develop an education strategy for Gypsy/Travellers, but there is a lack of evidence on this to date. However, we are pleased that the Minister shares our concerns for Gypsy/Traveller children, particularly in secondary education. We encourage the Scottish Government to explore the inclusion of positive, non-tokenistic representation of Gypsy/Travellers in the curriculum and create an action plan aimed at supporting the transition of young Gypsy/Travellers from primary to secondary education.**
135. **We also encourage the Scottish Government, more broadly, to explore how GIRFEC is effectively applied, across the spectrum, to Gypsy/Traveller children.**

FINAL CONCLUSION

136. Twelve years on from the first Scottish Parliament inquiry into Gypsy/Traveller life, and it is galling to see that the appalling situation of many Gypsy/Travellers is little changed. We are staggered to find ourselves hearing the same issues and making the same recommendations that were heard and made in the 2001 inquiry. We share our witnesses' frustration, not least that of Gypsy/Travellers, that a positive and collaborative way of providing culturally appropriate accommodation for Gypsy/Traveller people has not yet been found. Where we have heard of commendable initiatives, such as in the North East, they have been dogged by deeply disappointing outcomes – by lack of action in particular. **There must be strong leadership at all levels, but the need for a powerful ministerial voice is abundantly clear.** The wider decentralised approach has, for these issues, been shown not to work; it has been so for many years now and we detect a readiness on the part of local authority officials for leadership to come from the centre. **The time has come for the Scottish Government and COSLA to take matters in hand with a national strategy to support local authorities and local councillors in developing fit-for-purpose housing strategies, that is to say housing strategies that embrace Gypsy/Traveller needs. That strategy must ensure community participation in its development and operation.**
137. Discrimination is still one of the biggest barriers to site development, as well as to full access to healthcare, education, and employment for Gypsy/Travellers. **It is crucial that work is carried out both at a local level to encourage the settled community to accept the Gypsy/Traveller way of life, and at a national level, through a Government-led public awareness campaign, to establish a zero-tolerance approach to discrimination against Gypsy/Travellers. We expect the Scottish Government and COSLA to make formal responses to this report, with tangible and achievable measures to meet our recommendations.** We shall review those responses, alongside the Government's response to our *Gypsy/Travellers and Care* report, before the summer recess. **Action must be strategic and sustained.**



## ANNEXE A: GLOSSARY

Terms used to describe the varying accommodation types used by Gypsy/Travellers are explained below—

- **Permanent site** is used to mean a fixed site, open year-round, and provided by or with the support of local authorities. Permanent sites have either fixed, heated amenity blocks with washing and cooking facilities for use by Gypsy/Travellers who have their own static trailer as accommodation, or fixed chalet-style housing. Gypsy/Travellers living on permanent sites pay rent and council tax, and are able to spend some weeks of the year travelling if they choose.
- **Transit site** is used to mean a formal site for temporary occupation, ranging from a few days to a few weeks, with a pitch rental fee charged and refuse and sanitary facilities provided by local authorities.
- **Seasonal site** is used to mean a site similar to either a permanent or transit site that is only open for some of the year, usually in summer. Seasonal sites may be located on holiday parks.
- **A private site** is understood to be either a permanent, transit or seasonal site owned by, and run by, Gypsy/Travellers. These may be set up specifically to allow for one large family group to stay in the same place together.
- **Temporary site** refers to a site which is not formal, and is used by Gypsy/Travellers for a number of days or weeks whilst travelling for work or leisure. These may be on grass verges, lay-bys, car parks or parks, among other places, and are often situated to allow access to services and shops. Because these sites are informal, there may not be sanitary or refuse facilities, though some local authorities may provide these if requested. These sites are often referred to as illegal or unauthorised encampments, which we acknowledged in our *Gypsy/Travellers and Care*<sup>215</sup> report to be negatively and unhelpfully phrased.
- **A stopping place** is a place traditionally used by Gypsy/Travellers for one or two nights when they are moving between locations. Many traditional stopping places, such as lay-bys and car parks, have been blocked off. Stopping places may not have sanitary or refuse facilities, but due to the length of time people stay they may not be needed. Some stopping places may also be, or have been, used by holiday-makers with caravans and camper vans.
- **A holiday park** is a formal, generally privately run site with amenities, for the use of tourists in caravans and camper vans for a nightly or weekly rate. Gypsy/Travellers have spoken of being turned away when trying to use these sites for short stays.

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<sup>215</sup> Scottish Parliament Equal Opportunities Committee, 3<sup>rd</sup> Report 2012 (Session 4). *Gypsy/Travellers and Care*. (SP Paper 184).

## **ANNEXE B: EXTRACTS FROM THE MINUTES OF THE EQUAL OPPORTUNITIES COMMITTEE**

### **2nd Meeting, 2012 (Session 4) Tuesday 7 February 2012**

**Work programme (in private):** In relation to Gypsy/Travellers, the Committee agreed to issue an open call for written evidence on accommodation issues and consider in private at a future meeting the approach to oral evidence in light of responses.

### **5th Meeting, 2012 (Session 4) Tuesday 20 March 2012**

**Inquiries on Gypsy/Traveller issues:** The Committee considered its approach to...its inquiry on where Gypsy/Travellers live.

### **7th Meeting, 2012 (Session 4) Tuesday 17 April 2012**

**Inquiry witness expenses:** The Committee agreed to delegate to the Convener responsibility for arranging for the SPCB to pay, under Rule 12.4.3, any expenses of witnesses in its inquiries into...(b) Where Gypsy/Travellers live

### **20th Meeting, 2012 (Session 4) Thursday 8 November 2012**

**Where Gypsy/Travellers live (in private):** The Committee considered its approach to oral evidence and agreed to hold its first oral evidence session on 6 December 2012.

### **21st Meeting, 2012 (Session 4) Thursday 15 November 2012**

**Where Gypsy/Travellers live (in private):** The Committee considered and agreed its approach to oral evidence, including seeking approval to hold an external meeting.

### **24th Meeting, 2012 (Session 4) Thursday 6 December 2012**

**Where Gypsy/Travellers live:** The Committee took evidence from—

Professor Kay Hampton, Commissioner, and Duncan Wilson, Head of Strategy and Legal, Scottish Human Rights Commission;  
Euan Page, Parliamentary and Government Affairs Manager, Equality and Human Rights Commission

**Where Gypsy/Travellers live - witness expenses:** The Committee agreed to delegate to the Convener responsibility for arranging for the SPCB to pay, under Rule 12.4.3, any expenses of witnesses in the inquiry.

### **25th Meeting, 2012 (Session 4) Thursday 13 December 2012**

**Where Gypsy/Travellers live:** The Committee took evidence from—

Dave Black, Gypsy/Traveller Liaison Worker, Grampian Regional Equality Council;  
Rod Buchanan, Local Manager, Mid Argyll, Argyll Community Housing Association Ltd;  
Mhairi Craig, Development and Support Worker, Shelter Scotland;  
Bill Goodall, Site Manager/Gypsy Traveller Tenant Liaison Officer, Perth & Kinross Council;  
Brian Kane, Travellers Site Manager/Liaison Officer, South Ayrshire Council;  
Kevin McGown, Travelling People's Liaison Officer, North Lanarkshire Council.

**1st Meeting, 2013 (Session 4) Thursday 10 January 2013**

**Where Gypsy/Travellers live:** The Committee took evidence from—

Christopher Ahern, Chairman, North Muirton Community Council;  
James Brownhill, Vice Chairman, Nigg Community Council;  
Sheila Chambers, Vice Chairman, Cockenzie and Port Seton Community Council;  
Kenneth Johnstone, Chairman, Girvan Community Council;  
Elizabeth Rhodick, Vice Convener, Lochgilphead Community Council.

**2nd Meeting, 2013 (Session 4) Thursday 17 January 2013**

**Where Gypsy/Travellers live:** The Committee took evidence from—

Gavin Buist, Superintendent/Vice President, Association of Scottish Police Superintendents;  
Mhairi Craig, Development/Support Worker, Shelter Scotland;  
Nigel Firth, Equality and Diversity Manager, NHS Grampian and NHS Orkney, NHS Grampian;  
Kathryn Hilditch, Manager, Training & Mediation, Planning Aid for Scotland;  
Alex Jarrett, Chief Inspector, Fife Constabulary;  
Michelle Lloyd, Project Manager, MECOPP;  
Neil Mackay, Sergeant, Lothian and Borders Police;  
Dr Pauline Padfield, Director, Scottish Traveller Education Programme;  
Lynne Tammi, National Co-ordinator, Article 12 in Scotland;  
Helen Watson, Head of Planning, Health Improvement and Commissioning, NHS Greater Glasgow and Clyde.

**3rd Meeting, 2013 (Session 4) Thursday 24 January 2013**

**Where Gypsy/Travellers live:** The Committee took evidence from—

Kevin Anderson, Head of Housing & Community Safety, Midlothian Council;  
Iona MacPhail, Regional Manager, Argyll Community Housing Association;  
Douglas Scott, Senior Consultant, Scottish Borders Council.

**4th Meeting, 2013 (Session 4) Monday 4 February 2013**

**Where Gypsy/Travellers live:** The Committee took evidence from—

Sandra Bruce, Equalities Strategist, Aberdeen City Council;  
Nigel Firth, Equality and Diversity Manager, NHS Grampian and NHS  
Orkney, NHS Grampian;  
Scott Hughes;  
Jim Hume, Community Engagement Inspector, Grampian Police;  
Moyra Stephen, Strategic Development Officer, Aberdeenshire Council;  
Donald Stewart;  
Sammy Stewart.

**5th Meeting, 2013 (Session 4) Thursday 7 February 2013**

**Where Gypsy/Travellers live:** The Committee took evidence from—

Iona Burke;  
Michelle Foy;  
Betty Irvine;  
Lizzie Johnstone;  
Michelle Lloyd, Project Manager, MECOPP;  
Charlene MacDonald;  
Georgia McCann;  
Katrina Stewart;  
Edith Townsley;  
Fiona Townsley;  
Susan Townsley;  
Christine Ward.

**6th Meeting, 2013 (Session 4) Thursday 21 February 2013**

**Where Gypsy/Travellers live:** The Committee took evidence from—

Margaret Burgess, Minister for Housing and Welfare, Lesley Irving, Equality  
Unit; Gordon Paterson, Private Housing Services, Scottish Government.

**8th Meeting, 2013 (Session 4) Thursday 7 March 2013**

**Where Gypsy/Travellers live (in private):** The Committee considered a draft report. Various changes were agreed to, and the Committee agreed to consider a revised draft, in private, at its next meeting.

**9th Meeting, 2013 (Session 4) Thursday 14 March 2013**

**Where Gypsy/Travellers live (in private):** The Committee considered a draft report. Various changes were agreed to, and the Committee agreed to consider a revised draft, in private, at its next meeting.

**10th Meeting, 2013 (Session 4) Thursday 21 March 2013**

**Where Gypsy/Travellers live (in private):** The Committee considered a draft report. Various changes were agreed, and the report was agreed for publication.

## **ANNEXE C: ORAL AND ASSOCIATED WRITTEN EVIDENCE – EQUAL OPPORTUNITIES COMMITTEE**

### **WRITTEN EVIDENCE RECEIVED IN ADVANCE OF ORAL EVIDENCE**

[Aberdeenshire Council](#)

[Amnesty International](#)

[Article 12 in Scotland](#)

[Association of Chief Police Officers in Scotland](#)

[Association of Scottish Police Superintendents](#)

[Equality & Human Rights Commission \(Scotland\)](#)

[Grampian Regional Equality Council](#)

[Lochgilphead Community Council](#)

[MECOPP](#)

[MECOPP, further submission](#)

[NHS Grampian](#)

[NHS Grampian, further submission](#)

[NHS Greater Glasgow and Clyde](#)

[NHS Greater Glasgow and Clyde, further submission](#)

[NHS Highland](#)

[North Lanarkshire Council](#)

[Perth & Kinross Council](#)

[Perth & Kinross Council, further submission](#)

[Planning Aid for Scotland](#)

[Scottish Borders Council and the Scottish Borders Community Planning Partnership](#)

[Scottish Human Rights Commission](#)

[Scottish Traveller Education Programme](#)

[Scottish Traveller Education Programme, further submission](#)

[Shelter](#)

[South Ayrshire Council](#)

[Fiona Townsley](#)

[Fiona Townsley, further submission](#)

### **ORAL EVIDENCE**

#### **24th Meeting, 2012 (Session 4) Thursday 6 December 2012**

Professor Kay Hampton, Commissioner, Scottish Human Rights Commission

Duncan Wilson, Head of Strategy and Legal, Scottish Human Rights Commission

Euan Page, Parliamentary and Government Affairs Manager, Equality and Human Rights Commission

#### **25th Meeting, 2012 (Session 4) Thursday 13 December 2012**

Dave Black, Gypsy/Traveller Liaison Worker, Grampian Regional Equality Council  
Rod Buchanan, Local Manager, Mid Argyll, Argyll Community Housing Association Ltd

Mhairi Craig, Development and Support Worker, Shelter Scotland

Bill Goodall, Site Manager/Gypsy Traveller Tenant Liaison Officer, Perth & Kinross Council

Brian Kane, Travellers Site Manager/Liaison Officer, South Ayrshire Council

Kevin McGown, Travelling People's Liaison Officer, North Lanarkshire Council

**1st Meeting, 2013 (Session 4) Thursday 10 January 2013**

Christopher Ahern, Chairman, North Muirton Community Council  
James Brownhill, Vice Chairman, Nigg Community Council  
Sheila Chambers, Vice Chairman, Cockenzie and Port Seton Community Council  
Kenneth Johnstone, Chairman, Girvan Community Council  
Elizabeth Rhodick, Vice Convener, Lochgilphead Community Council

**2nd Meeting, 2013 (Session 4) Thursday 17 January 2013**

Gavin Buist, Superintendent/Vice President, Association of Scottish Police Superintendents  
Mhairi Craig, Development/Support Worker, Shelter Scotland  
Nigel Firth, Equality and Diversity Manager, NHS Grampian and NHS Orkney, NHS Grampian  
Kathryn Hilditch, Manager, Training & Mediation, Planning Aid for Scotland  
Alex Jarrett, Chief Inspector, Fife Constabulary  
Michelle Lloyd, Project Manager, MECOPP  
Neil Mackay, Sergeant, Lothian and Borders Police  
Dr Pauline Padfield, Director, Scottish Traveller Education Programme  
Lynne Tammi, National Co-ordinator, Article 12 in Scotland  
Helen Watson, Head of Planning, Health Improvement and Commissioning, NHS Greater Glasgow and Clyde

**3rd Meeting, 2013 (Session 4) Thursday 24 January 2013**

Kevin Anderson, Head of Housing & Community Safety, Midlothian Council  
Iona MacPhail, Regional Manager, Argyll Community Housing Association  
Douglas Scott, Senior Consultant, Scottish Borders Council

**4th Meeting, 2013 (Session 4) Monday 4 February 2013**

Sandra Bruce, Equalities Strategist, Aberdeen City Council  
Nigel Firth, Equality and Diversity Manager, NHS Grampian and NHS Orkney, NHS Grampian  
Scott Hughes  
Jim Hume, Community Engagement Inspector, Grampian Police  
Moyra Stephen, Strategic Development Officer, Aberdeenshire Council  
Donald Stewart  
Sammy Stewart

**5th Meeting, 2013 (Session 4) Thursday 7 February 2013**

Iona Burke  
Michelle Foy  
Betty Irvine  
Lizzie Johnstone  
Michelle Lloyd, Project Manager, MECOPP  
Charlene MacDonald  
Georgia McCann  
Katrina Stewart  
Edith Townsley  
Fiona Townsley  
Susan Townsley  
Christine Ward

**6th Meeting, 2013 (Session 4) Thursday 21 February 2013**

Margaret Burgess, Minister for Housing and Welfare, Lesley Irving, Equality Unit and Gordon Paterson, Private Housing Services, Scottish Government

**SUPPLEMENTARY WRITTEN EVIDENCE**

[East Lothian Community Councils](#)

[Grampian Police](#)

[Nigg Community Council](#)



## **ANNEXE D: OTHER WRITTEN EVIDENCE – EQUAL OPPORTUNITIES COMMITTEE**

[Angus Council](#)

[Argyll and Bute Council](#)

[Argyll and Bute Council, further submission](#)

[Argyll and Bute Council, further submission](#)

[Argyll and Bute Council, further submission, Annexe, Report by Craigforth](#)

[Argyll Community Housing Association](#)

[Comhairle nan Eilean Siar \(Western Isles Council\)](#)

[COSLA](#)

[Duncholgan Caravan Site Tenants' Association, Lochgilphead](#)

[Dumfries and Galloway Council](#)

[East Dunbartonshire Council](#)

[Falkirk Council](#)

[Grampian Fire and Rescue Service](#)

[Gypsy/Traveller woman aged 18](#)

[Gypsy/Traveller woman in her 30s](#)

[Gypsy/Traveller woman in her 60s](#)

[Highland Council](#)

[Ken MacLennan](#)

[Ken MacLennan, further submission](#)

[NHS 24](#)

[NHS Ayrshire & Arran](#)

[NHS Dumfries and Galloway](#)

[NHS Forth Valley](#)

[NHS Lanarkshire](#)

[NHS National Waiting Times Centre, Golden Jubilee National Hospital](#)

[NHS Shetland](#)

[NHS Tayside](#)

[North Ayrshire Council](#)

[Orkney Islands Council](#)

[Scottish Ambulance Service](#)

[Scottish Federation of Housing Associations](#)

[South Lanarkshire Council](#)

[Jim Sheridan MP](#)

[Shetland Islands Council](#)

[Violet Townsley](#)

[Violet Townsley, further submission](#)

[West Dunbartonshire Council](#)

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