

EQUAL OPPORTUNITIES COMMITTEE

Date: Wednesday , 31st October 2001

Time 9.30am

Venue: Committee Room 3, National Assembly for Wales

GYPSY- TRAVELLERS: POLICY IN WALES: AN ISSUES PAPER FOR THE NATIONAL ASSEMBLY'S EQUAL OPPORTUNITIES COMMITTEE

BACKGROUND

1. The broad policy direction that the National Assembly currently follows towards Gypsy- Travellers was set in the days of the former Welsh Office. This paper uses the term Gypsy-Travellers to include Travellers, Gypsies and Gypsy-Travellers.

2. The creation of the National Assembly has created the opportunity for a fundamental change in the way policy is developed and to reflect Wales' specific needs. The National Assembly's work is underpinned by 4 key principles:

First, to work in partnership with local government, business, the voluntary sector and other public bodies;

Second, good government. To where possible rationalise and simplify procedures and encourage cross boundary working;

Third, strategic working. That is, to provide frameworks within which others can deliver locally; and

Finally, and perhaps more significantly from the point of view of Gypsy- Travellers, to be inclusive by recognising the needs of all social groups.

3. Section 120 of the Government of Wales Act 1998 requires the National Assembly to have regard to the principle that there should be equality of opportunity for all people. The 1998 Act requires the Assembly to assess how effective it has been across its range of responsibilities in meeting this objective.

4. It is important that these principles impact upon the Assembly's approach to Gypsy-Travellers. In some instances however a change of approach might require primary legislation. These instances are

identified below where relevant.

CURRENT POLICY

5. Currently no part of the Assembly has overall responsibility for Gypsy-Travellers' policy and no designated individual has a lead or co-ordinating responsibility. Gypsy-Travellers' policy is split between a number of the Assembly's policy divisions – Education, Social Services, Local Government, Housing, Health, Environment, Planning and the Equalities Policy Unit. Some of these areas, such as Environment and Housing, do not specifically differentiate between Gypsy- Travellers' requirements and those of other groups or indeed the general population.

6. One question that arises therefore is whether specific provision is needed to meet the needs of Gypsy-Travellers in these service areas, for example, in areas such as Social Services, to provide assistance to physically disabled and older members of Gypsy-Travellers' families.

7. The specific areas where provisions have been made for Gypsy-Travellers include education and employment, health, sites, planning, and eviction arrangements . These will be considered in turn.

Education

8. Gypsy-Travellers' children face a number of disadvantages, such as interrupted learning and problems arising in schools such as bullying which, when it occurs, can discourage attendance at school. There are also difficulties associated with acceptance into particular schools, difficulties of transport to and from schools which can also discourage attendance, and the relevance of the curriculum to Gypsy-Travellers' children. One area which could be explored is whether there is a need for an alternative to mainstream school-based education which would establish links between Gypsy-Travellers' home sites and school and support transfer into full time education. Currently there is no legal power to require direct support for home education. Local authorities have the power available if they choose to use it, but they are under no obligation to do so.

9. The former Welsh Office helped fund a study into the education of Gypsy- Travellers' children – "Travellers' Children and Educational Needs in Wales". The research reviewed Gypsy-Travellers' experience of education and sought to provide an indication of the number of Gypsy-Travellers' children in Wales. The report proposed a number of changes in approach to Gypsy-Travellers' education in Wales, such as better contact between schools and Gypsy-Travellers and raising teachers' awareness of Gypsy-Travellers' cultures and concerns about schooling. The implementation of the recommendations was left to local authorities and no guidance to LEAs was issued by the Welsh Office. A small working group was, however, set up to consider how best to take forward the issues highlighted in the report and a seminar on the work of the Traveller Education Service in Wales was held in June 2000.

10. The study showed that there were greater numbers of Gypsy-Travellers' children in Wales than previous estimates had suggested. This resulted in the doubling of the Section 488 grant for the

education of Gypsy-Travellers from £150,000 to £300,000 in 1999-2000. The current budget for Gypsy-Travellers' education is £400,000. The grants contribute 75% of the cost of providing in-school and peripatetic teachers, advisory staff, educational welfare officers, books, equipment and transport of Gypsy-Travellers' children to schools. LEAs have to apply for the grant annually. This contrasts with the situation in England where the grants are allocated for three years. There is currently pressure from the local government and Gypsy –Travellers' organisations in England for the period of grant funding to be increased to 5 years .

11. To date only 10 authorities in Wales have applied for support. The geographical distribution of the authorities applying for the grant corresponds to the traditional routes followed by Gypsy-Travellers into and out of Wales – along the A55 corridor in North Wales and the M4 in South Wales. In England, the Section 488 grant has been combined with the Section 11 grant for ethnic minorities. The advantages and disadvantages of retaining a separate grant need to be assessed. The Assembly's Education Directorate has recently started a review of the existing arrangements for funding Gypsy-Travellers' education, including the operation of the Section 488 grant regime.

12. Alternative approaches which build on examples of good practice include:

- the provision of schools education for Gypsy-Travellers such as outreach support, educational facilities on site, and special educational services for Gypsy-Travellers' children;
- the application of anti -bully strategies to Gypsy-Travellers' children and the training of teachers in issues relating to Gypsy-Travellers' children and their cultures;
- the provision of accurate information on the number of Gypsy-Travellers' children and their access to education services. The Scottish Parliament's report on Travellers proposed that Travellers should be regarded as a separate ethnic group with their own educational performance indicators;
- the dissemination of good practices in the education of Gypsy-Travellers' children and the provision of National Assembly guidance.

13. In addition to the problems of primary and secondary education, Gypsy-Travellers have limited opportunities for improving their literacy and training in job related skills. Should special provision be made for providing Gypsy-Travellers with literacy and skills training – possibly by providing literacy classes for families and making specific provision in certain educational institutions?

Employment

14. Second, and closely related to education, are the employment opportunities available to Gypsy-Traveller children. Given the limited access to education, the low levels of academic achievement and high levels of discrimination the only employment open to young Gypsy-Travellers is self employment,

employment in family businesses, or temporary/casual jobs. Gypsy-Travellers are brought up to be entrepreneurial. Their businesses in sectors such as waste recycling contribute significantly to the Welsh economy. Should research be undertaken into the employment needs of young Gypsy-Travellers? In addition, should bodies promoting local economic development such as local authorities, WDA or Business Connect provide advice and support to Gypsy-Traveller businesses?

Health

15. Third, in terms of health the available evidence suggests that Gypsy- Travellers have lower life expectancy than the population in general, experience high infant mortality rates, suffer more accidents, suicides and health problems generally. Gypsy-Travellers' lifestyles mean that they do not have continuity of care and low rates of immunisation against disease. The available evidence suggests that Gypsy-Travellers' health is given relatively low priority by health organisations in Wales. A recent review of health and well being undertaken for the Local Government Partnership Council noted that none of the organisations involved in health matters regularly worked with Gypsy-Travellers. It recommended that health organisations should give greater emphasis to the health of Gypsy-Travellers. There are also problems with the transfer of GP records and limited access to health education. The health problems of Gypsy-Travellers could be alleviated by GPs and Dentists being paid to treat them as temporary residents; the setting up of outreach services focused on Gypsy-Travellers' sites; and the development of on-line access to their medical records. These approaches would entail making additional payments to GPs and Dentists, incurring expenditure on computerising GPs' and Dentists' patients' records systems , and changing the current arrangements relating to access to patient's records. Evidence from outside Wales suggests that the health problems of disadvantaged groups can be tackled but that this requires substantial additional investment. There also appears to be some evidence of institutional discrimination against Gypsy-Travellers where doctors refuse to register or treat them because they are often considered to absorb large amounts of GPs' time and to be "difficult patients" who do not make or keep appointments.

16. The NHS (Primary Care) Act 1997 provides the opportunity to tailor primary care arrangements to meet specific local needs that are not currently being fully met. The National Assembly has recently issued guidance to Health Authorities, Local Health Groups and General Practitioners on the preparation of local development schemes under Section 36 of the 1997 Act. The schemes can be used to meet identifiable local needs, including those of specific groups such as Gypsy-Travellers and the homeless. The schemes could be used, for example, to incentivise GPs to help visiting Gypsy-Travellers. A successful scheme will however need the support of the relevant Local Medical Committee and the willingness of local GPs to undertake the additional work proposed.

17. In addition, under the 1997 Act there is the possibility of introducing primary care pilots, including agreeing contracts with GPs to provide additional services to Gypsy-Travellers and other groups, including the establishment of travelling surgeries. This mechanism has proved to be effective in England where substantial administrative and programme resources have been allocated to the pilot schemes. The future of pilots is uncertain. The initiative could become redundant as negotiations begin on the new GP contract.

18. It would be for the Health Authorities, Local Health Groups and Trusts to determine whether to introduce the schemes and which specific services should be provided to meet their areas' needs. There is a possibility, as in the case of Section 488 grants, that the money for primary care pilots could be incorporated into a proposed new social deprivation grant. In any event, the demands on Section 36, and all health budgets, is currently great.

19. Is there a need to review Gypsy-Travellers' health needs and the causes of early death? Should the Assembly require the NHS to provide services to Gypsy-Travellers? If so, what resources will be required to fund the new services and attract additional medical, dental and nursing staff? Should these services be specifically provided to Gypsy-Travellers or form part of a wider range of services for disadvantaged groups? The Assembly is under pressure to provide tailored services to other groups such as the homeless, refugees, drug misusers and the elderly.

Should health promotion and education be targeted at Gypsy-Travellers on issues such as the need for immunisation, child development , accident prevention and women's health issues?

Accommodation

20. Fourth, the provision of accommodation. There is currently no information available on the number of local authority managed travellers' sites in Wales. These sites can be located on the outskirts of towns, away from schools and public transport, and close to industrial and landfill sites or areas experiencing environmental problems. Gypsy-Travellers' sites have relatively few facilities and services and often experience drainage problems. Should advice be provided to local authorities and other site providers on the location, type and design of facilities that would meet travellers' requirements?

21. The Criminal Justice and Public Order Act 1994 abandoned any involvement by the public sector in providing sites for Gypsy- Travellers. The provision of Gypsy- Traveller sites, however, has an important role in discouraging unauthorised camping. In Wales only some 4% of families live on private sites, either small, self –developed family sites , or larger sites developed and managed by Gypsy-Traveller site owners, so that they have no option but to use local authority sites or look to social housing for accommodation. In England, on the other hand, approximately 50% of Gypsy-Traveller families live on private sector sites. Although Circular 76/94-" Gypsy Sites Policy and Unauthorised Camping" requires that local authorities should maintain their Gypsy-Traveller caravan sites or lease them to others willing to maintain them, there is no evidence available on the condition of these sites in Wales. In England the DTLR intend to make £17m available to local authorities over the period 2001-2004 to improve facilities at a number of sites and to keep the existing network of sites open. DTLR also intends to undertake research to give a picture of the availability and condition of local authority Gypsy-Traveller sites to inform the budget process. There are no current plans in Wales to follow DTLR by making additional resources available. Should the National Assembly make available such funding and undertake similar research?

22. The National Assembly's planning policies are laid out in Circular 2/94 – "Gypsy Sites and Planning". This encourages local authorities to make provision for Gypsy-Travellers' sites in their unitary developments plans and to discuss their accommodation needs with Gypsy- Travellers themselves , with a view to identifying suitable locations for sites, whether local authority or private, in plans, wherever possible. Where it proves impossible to identify suitable locations , local authorities must define clear and realistic criteria for suitable locations. Public opposition often makes it difficult to obtain planning permission for private Gypsy-Travellers' sites or to include such sites in development plans.

23. Should the National Assembly reiterate this advice to local planning authorities ?

Is there a case for the Assembly moving back to a system of mandatory local authority site provision? This would require primary legislation and Parliamentary time, which is likely to be in short supply for the foreseeable future, or should the Assembly facilitate the provision of private sites by, for example, the travelling community themselves. In Wales the low percentage of the Gypsy-Traveller population living on private sites suggests that not all Gypsy-Travellers can afford , or want to, buy their own land.

Policing

24. The final issue relates to the policing of Gypsy-Travellers. Concerns have been expressed by bodies representing Gypsy-Travellers about excessive checks on travellers' vehicles, the stop and search of individuals , complaints of intimidation, and that the police have a lack of awareness and tolerance of Gypsy-Travellers' lifestyles. The police are sensitive to the needs of minority groups and were instrumental in developing, with the DETR, guidance on travellers. They have established minority support units which liaise with Gypsy-Traveller representatives. The police provide training for their staff with the assistance of outside bodies.

25. Is the training provided for police on Gypsy- Travellers' cultures adequate? Is there specific provision made for Gypsy-Travellers matters in Equalities Officers' jobs descriptions in police authorities? Should there be improvements in police – Gypsy- Travellers' liaison? Is there a case for the funding of Gypsy-Travellers' legal rights officers?

26. Closely related to site provision and policing is the policy of responding to unauthorised camping. Local authorities receive considerable numbers of complaints from the public about the problems arising from unauthorised camping by travelling people. Circular 76/94 advises local authorities to tolerate Gypsy-Travellers' presence on land for short periods and examine ways of minimising any nuisance by, for example, providing basic services. It also encourages authorities to identify possible emergency stopping places as close as possible to the transit routes used by Gypsy-Travellers and providing services there. The Circular additionally advises local authorities to use their eviction powers humanely and compassionately. There is considerable pressure on the Home Office to strengthen the powers available to local authorities to remove unauthorised campers. The UK government believes that to do so would be counter productive as it may bring the government into conflict with domestic and the European

Courts. The Human Rights Act makes it possible for Gypsy-Travellers to challenge the violation of their rights. The stronger the enforcement powers that are available to local authorities and the Police the more difficult it could be for them to persuade the Courts to let them exercise the powers. The UK Government's view is that joint working between local authorities, Police and other agencies as outlined in the DETR/Home Office good practice guide on managing unauthorised camping is the key to handling the problem of unauthorised camping. Home Office research is currently underway to monitor the effectiveness of the guidance and establish what more might be needed.

27. The UK Government is particularly keen to tackle the anti social and criminal behaviour associated with some unauthorised encampments. The DETR issued a circular in July 2000 and revisions to the good practice guidance drawing a distinction as concerns unauthorised camping where there is anti social and criminal behaviour. This circular has not been issued in Wales although the police and other bodies apply the approach specified in it.

28. The Circular advises that where there is anti social behaviour, prompt and effective action should be taken to deal with it and where appropriate to remove the campers. The advice states that it is legitimate for a local authority to exercise these powers where Gypsy Travellers who are camped illegally refuse to move to an authorised local authority site. Where there are no such sites available and where the unauthorised encampment is not causing a nuisance that can not be effectively controlled, the local authority should consider providing basic services, such as drinking water, toilets, skips etc. This is the approach the National Assembly adopts to encampments on its own land. However, where the unauthorised encampments are on operational highway land, such as lay-bys, the Assembly's Highways Directorate require their agents, the local authorities to take immediate action.

Should the DETR Circular of July 2000 be issued in Wales? Should the relationship between the lack of stopping places and unauthorised encampments be explored in Wales? Are there Best Value issues for local authorities raised by unauthorised encampments?

FUTURE ASSEMBLY POLICY TOWARDS TRAVELLERS

29. The National Assembly's policies towards Gypsy-Travellers and other minority groups currently fall into two types. The first treats Gypsy-Travellers like other disadvantaged groups within the general population. The second recognises their distinctive needs. There is currently a debate on how the equal opportunities principle should operate within the Assembly, but the consensus appears to be that Assembly policy should seek to reflect a particular group's needs.

30. If this course of action is followed Gypsy-Travellers face a problem, largely resulting from their current invisibility. As the study on the education of Gypsy-Travellers showed, there is no information on Gypsy-Travellers' numbers since the ending of the former Welsh Office's biannual counts in 1997, which focussed on the mobile element of the Gypsy-Traveller population. The biannual counts continued to be undertaken in England. In Wales some local authorities continued to undertake counts in their areas but there was no attempt to present the information at the all Wales level or to agree a

standard collection format. In consequence the coverage is not uniform and varies depending upon the availability of staff to undertake the surveys. There may be a strong case for starting the biannual surveys again in Wales, but with a new methodology that collects information on the mobile and sedentary populations to provide a more realistic estimate of numbers for policy purposes. Consideration needs to be given to how this can be done.

31. In addition to the lack of adequate information on the size of the Gypsy-Traveller population there appears to be some evidence of hostility and discrimination against Gypsy-Travellers which results in them being perceived as a problem by individuals and institutions. The lack of awareness of Gypsy-Travellers' culture and lifestyles suggests that there could be a case for a campaign to challenge the discrimination against them, especially in key service areas such as health, education, employment, the provision of accommodation and, possibly, the police service.

32. The wide ranging reviews of the Assembly's key policy areas currently underway suggests that now is a good time for Gypsy-Travellers' bodies to input into the Assembly's policy making process. Work is currently under way nationally on a review of planning policy in Wales, on issues relating to the housing of minority groups, and the reconfiguration of the NHS in Wales. At the local level local authorities are starting the process of preparing community strategies. This provides Gypsy-Travellers' bodies with an opportunity to highlight the areas that are important to them.

33. Another general issue is identifying the best means of providing financial support to authorities to help them meet Gypsy-Travellers' needs - whether there should be specific grants for them or whether grants, such as the Section 488 grant should be included in larger pots that would provide local authorities and other agencies with greater flexibility on how the money is used. The downside of this process could be less money to meet Gypsy-Travellers' specific needs.

34. Finally there is a need to identify, consider and, where appropriate, take on board the good practices in developing relations with Gypsy-Travellers developed in other jurisdictions such as the Republic of Ireland, Northern Ireland, Scotland and elsewhere in Europe.

CONCLUSION

35. This paper has suggested that there is a need for a more integrated approach to Gypsy-Travellers across the Assembly. It suggests that the Committee should consider whether there is a need for:

- statistics on the number of Gypsy-Travellers/ Gypsy-Traveller sites and Gypsy-Travellers in education in Wales;
- specific provision to meet Gypsy-Travellers' needs in those service areas such as social services where no specific provision is currently made for them;
- the Assembly to make provision to meet the specific educational, training and health needs of Gypsy-Travellers and provide advice and support to Gypsy-Traveller businesses;
- the Assembly to make available resources to upgrade Gypsy-Travellers' sites in Wales and to

increase the provision of accommodation for them;

- a review of whether support for Gypsy-Travellers should take the form of specific grants.

36. It is recommended that:

- the Equal Opportunities Committee reviews the Assembly's policies in relation to Gypsy-Travellers, taking evidence from relevant bodies and individuals and where necessary commissioning relevant research. (An initial list of those individuals and organisations the Committee might wish to invite to submit written or oral evidence is at Annex 1);
- considers examples of good practice developed in other jurisdictions for their relevance to Wales; and
- makes appropriate recommendations to the Assembly's Executive.

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ANNEX 1

EXTERNAL ORGANISATIONS WHICH COULD PROVIDE EVIDENCE TO THE COMMITTEE

The external bodies which could be approached by the Committee to submit written or provide oral evidence on Gypsy-Travellers' issues could include:

- Welsh Health Trusts
- GPs
- Welsh Planning Officers' Society and individual local authority planning officers

- Welsh Local Government Association, Associations representing community councils and individual councils
- Police
- Save the Children
- Children in Wales
- Social Service and education professionals in local government
- Association of Directors of Social Services
- Gypsy-Traveller Liaison Officers
- Estyn and SSIW
- Travellers' Law Research Unit, Cardiff Law School
- Cardiff Gypsy Sites Group
- ELWA and the Careers Service
- Officials of the Scottish Executive and Northern Ireland Assembly. Members of the Committee could visit Northern Ireland and the Republic of Ireland to examine their approaches to Gypsy-Travellers
- National Gypsy Council
- The Gypsy Council
- ACERT
- NATT
- Friends and Families of Travellers
- Bias
- Professor Thomas Acton, University of Greenwich
- STEP, Institute of Education, Heriot –Watt University, Edinburgh
- Pavee Point Travellers' Centre, Dublin
- Equality Commission for Northern Ireland