

GRT 05

Ymgynghoriad ar ddarparu safleoedd ar gyfer cymunedau Sipsiwn, Roma a Theithwyr  
Consultation on the provision of sites for Gypsy, Roma and Travellers

Ymateb gan: Tai Pawb

Response from: Tai Pawb



promoting equality in housing  
hybu cydraddoldeb ym maes tai

## Tai Pawb

### **Inquiry into the provision of sites for Gypsy, Roma and Travellers**

#### **Local Government and Housing Committee**

May 2022

For further information about this paper please contact:

Name: David Rowlands

Position: Policy Manager



## Who we are

Tai Pawb (housing for all) is a registered charity and a company limited by guarantee. Our vision is a “Wales where everyone has the right to a good home.” We operate a membership system which is open to local authorities, registered social landlords, third (voluntary) sector organisations, other housing interests and individuals.

## What we do

Tai Pawb works closely with the Welsh Government and other key partners on national housing strategies and key working groups, to ensure that equality is an inherent consideration in national strategic development and implementation. The organisation also provides practical advice and assistance to its members on a range of equality and diversity issues in housing and related services, including QED – the equality and diversity accreditation for the housing sector. We are also part of a coalition called “[Back the Bill](#)”, which seeks to establish the legal right to adequate housing for **all citizens** in Wales.

For further information visit: [www.taipawb.org](http://www.taipawb.org)

Charity registration no. 1110078

Company No. 5282554

## Introduction

*“There is not enough accommodation for all the Gypsy and Travellers in Wales; there are lots of Gypsies in Wales that now live in houses but wish they could live in a Trailer. There needs (to be) more sites built in the whole of Wales.”*  
*TGP Cymru, Wales Race Equality Action Plan*

Tai Pawb is pleased to be offered the opportunity to contribute to the Local Government and Housing Committee’s inquiry into the provision of sites for Gypsy, Roma and Travellers. In recent months, we have become increasingly concerned at the policy direction in relation to UK Government’s consultation on the Human Rights Act Reform and The Police, Crime, Sentencing and Courts Act which will penalize Gypsy, Roma and Travellers way of life. Combined with a historic lack of appropriate sites in Wales, we welcome the timing of this inquiry.

Our response is based on conversations with stakeholders and observations from the Wales Race Equality Action Plan. While not a specialist organisation for Gypsy, Roma or Travellers, our response is based on our expertise tackling social injustice and inequality in housing.

## 1) The current statutory and policy framework

- 1.1 [Part Three of the Housing \(Wales\) Act 2014](#) places a legal obligation and brought back a statutory duty (repealed by the CJPOA 1994) on local authorities in Wales to both assess (S 101) and provide (S103) for residential and transit provision for Gypsies and Travellers residing in or resorting to its area.
- 1.2 This makes clear the commitment to provide permanent sites so that Gypsy and Traveller families have access to a legal place to station their vehicles, have secure, quality accommodation that enables them to access facilities, health, education, and work whilst living in traditional extended family groups. It also makes clear that transit provision is necessary ‘in order to provide a route for Gypsies and Travellers to maintain a nomadic way of life,’ a right enshrined in [Article 8 of the ECHR](#).

## 2) Implementation of the Framework

- 2.1 While guidance on the provision of sites is clear, implementation of these duties is mixed. In **principle** most local authorities have signed up to this guidance and have regional protocols with the Welsh Police Forces but there is **no monitoring** to ensure that guidelines are properly and consistently implemented across Wales. There is a need for a **clearer duty** on local authorities to formalise and monitor these arrangements.
- 2.2 Despite the requirement for five yearly accommodation assessments overall data on how much progress has been made does not appear to have been collected following the introduction of the 2014 duty. Indeed, the last [Wales-wide review](#) was sixteen years ago (Niner 2006) meaning there is no accurate overall data on the shortfall of sites. The duty has also not led to **ANY** transit sites in Wales to date and there has been no accountability on the failure to meet the requirement.

### **3) Part 4 of the Police, Crime, Sentencing and Courts Act**

- 3.1 Part 4 of this legislation includes making ‘trespass with intent to reside’ a criminal offence and gives authorities extra powers to seize vehicles – which in many cases are family homes or essential for work purposes – as well as impose fines and imprisonment.
- 3.2 We believe The Act – with its tremendously broad scope – represents one of the most serious threats to civil liberties in recent history. It infringes the European Convention on Human Rights, as incorporated in UK domestic law by the Human Rights Act 1998 and hands the police and the Home Secretary sweeping new powers to undermine Gypsy and Travellers’ nomadic way of life.

#### **The impact of the Bill and a lack of sufficient provision**

- 3.3 Insufficient provision of either residential or transit sites for Gypsy, Roma and Traveller communities coupled with the implementation of this Act, will place many in an impossible situation. Part 4 as currently drafted, could result in families with no other legal place available to park their vehicle(s) resulting in the seizing of homes and possessions, rendering people without any of their domestic facilities, transport, or employment resources. This risks criminalization, driving families into poverty, homelessness, and increased demand on social care agencies at a time of unprecedented need with an under-resourced social care system.

## Impact on children and young people

- 3.4 [Wales' Rights of Children and Young Person's Measure](#) places a duty on Welsh Ministers when carrying out their functions to have due regard to the rights of children as set out under the [UNCRC](#). Specifically, the 2014 Welsh duty to provide sites is a direct implementation of a long-standing recommendation by the Committee on the Rights of the Child to provide culturally appropriate accommodation.

The right to family life and to enjoy and practice culture and traditions of minority groups should not just be *respected* but *facilitated*. In our view these proposals are a clear violation of and in breach of the following articles:

Article 2: The right to non-discrimination - this is targeted at Gypsies and Travellers, who include ethnic groups protected by the Equalities Act.

Article 3: The best interest of Children – the proposals seek to criminalise parents, seize children's homes rendering them potentially homeless and vulnerable to entering state care and further raising barriers to accessing health and education rights.

Article 30: A child belonging to such a minority shall not be denied the right, in a community with other members of his or her group, to enjoy his or her own culture, to progress and practice his or her own religion or language.

## **4) The need for change**

- 4.1 The introduction of the Police, Crime, Sentencing and Courts Bill will have grave consequences for Gypsy, Roma and Traveller Communities in Wales. But its implementation shines a light on a longer-term problem, the lack of appropriate accommodation sites for Gypsy, Roma and Traveller communities. While existing framework and policies in place should have delivered this, they have failed to provide the necessary accommodation needs.

## 5. The Race Equality Action Plan and evidence of the need for change

5.1 The draft Race Equality Action Plan (REAP) sets out actions and outcomes for Wales to become an anti-racist nation by 2030. The provision of housing is a core commitment to the plan. Indeed, it recognises the need to provide more residential and transit sites, so GRT communities have “more accessible and flexible ways of accessing culturally appropriate site provision.”

### Realising a commitment to mitigate discriminatory legislation

5.2 The draft REAP commits to oppose legislation that will criminalize or attempt to force Gypsy and Traveller communities away from their traditional way of life. To its credit, the Senedd has voted to withhold consent for elements of the PCSC Bill, with the UK Government ignoring this request and legislating for this Bill in the recent Queens Speech. Should this happen, the REAP states the Welsh Government will refer to the commitments made in the housing section of the plan and deliver the necessary change to accommodation provision.

### Change required to the local decision-making process

5.3 The draft REAP specifically refers to the need for better training and understanding amongst key local decision-makers involved in the provision of accommodation sites for Gypsy, Roma and Travellers. These include:

- “Local authority staff who are informed and culturally sensitive to the accommodation needs of Gypsies and Travellers.”
- “Elected members are informed and sensitive to the needs of Gypsies and Travellers.”
- “Racist language, sentiment and actions towards the Gypsy Traveller communities are not tolerated and widely condemned.”

5.4 Tai Pawb support fully the need for training and education around anti-racism and cultural understanding. Yet, we also believe it is **deeds not**

**words** by which these sentiments must be measured. Given the recognition of a lack of existing provision and the inclusion of these priorities in the draft REAP, the Welsh Government may require stronger action to achieve their goal of an anti-racist Wales. To achieve this, Tai Pawb feel it is essential that the REAP is fully funded and a wide range of stakeholders involved in its implementation. Crucially a framework is also required to monitor progress and allow for scrutiny and accountability.

## **6. Nation of Sanctuary**

6.1 The Welsh Government and parts of civic society are seeking for Wales to become the “World’s first Nation of Sanctuary”, an excellent objective which Tai Pawb fully supports. A Nation of Sanctuary involves “celebrating Welsh hospitality” while also ensuring a “Wales wherever people seeking sanctuary go, they are met with welcome, understanding and celebration of their unique contribution to the rich tapestry of Welsh life.” In working towards this vision, it is important to ask whether the accommodation made available for Gypsy, Roma and Travellers fulfils this goal? And if not, how can we achieve this aspiration for our own diverse communities to protect and promote their way of life?

## **7. A longer-term solution: realising the right to adequate housing**

7.1 Tai Pawb notes the commitment of the Welsh Government to a White Paper on a right to adequate housing and rent controls as part of its Programme for Government and look forward to contributing to these conversations. The universal right to adequate housing comes from the UN economic, social, and cultural covenant on the right to an adequate standard of living.

7.2 The seven components of the right to adequate housing are:

- Legal security of tenure
- Availability of services, materials and infrastructure
- Affordable housing
- Accessible housing



- Location
- Culturally adequate housing (including for Gypsy, Roma and Traveller Communities)

Tai Pawb believe incorporating this right into legislation in Wales will provide a framework for a more sustainable solution to the provision of appropriate transit and residential sites for Gypsy, Roma and Traveller communities in Wales.