



OUT IN THE OPEN

PROVIDING ACCOMMODATION, PROMOTING UNDERSTANDING
AND RECOGNISING RIGHTS OF GYPSIES AND TRAVELLERS

CONSULTATION AT ST GEORGE'S HOUSE, WINDSOR CASTLE
19TH -21ST JUNE 2007

Prepared by Diane Diacon, Hannah Kriteaman, Jim Vine and Silvia Yafai

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Introduction

The rights of Gypsies and Travellers to pursue their way of life are enshrined in national and international legislation. Experience has shown, however, that these rights are rarely upheld or supported in practice. Gypsies and Travellers have the poorest life chances of any ethnic group in the UK and face widespread discrimination. Provision of suitable accommodation has a vital role to play in supporting the long-established way of life of Gypsies and Travellers and in enabling them to have a recognised stake in society.

Twenty-one per cent of all Gypsy and Traveller households living in caravans are homeless, having no lawful place to park their caravan. Less than one square mile of land would be needed in the whole of England to provide these homeless Gypsy and Traveller households with a permanent pitch. The real barriers to achieving this seemingly easy target have little to do with housing or planning issues; they are much deeper rooted and relate to the racism and negative attitudes towards Gypsies and Travellers in the wider community.

It is now recognised that the provision of sufficient authorised and well-serviced sites for Gypsies and Travellers lies at the heart of addressing the difficulties they face in accessing services, as well as reducing tensions with the local settled

communities and beginning to tackle ignorance and discrimination. The government has recognised the problem and is seeking to address it with a new policy framework, which is still in its early stages.

A Consultation was organised by the Building and Social Housing Foundation (BSHF) at St George's House, Windsor Castle, to identify practical ways in which housing organisations and other public bodies can work together with Gypsies and Travellers and local communities to provide appropriate accommodation and support for their way of life, as well as promoting respect and understanding between Gypsies and Travellers and other members of the public. Persons of experience and expertise were brought together for three days in order to share and develop ideas as to how to meet this challenge.

This is the second in the current series of three annual Consultations being organised by BSHF, which has set out to look at how the accommodation needs of those marginalised within our society can be better addressed. The Consultation in 2006 was concerned with issues relating to provision of housing for refugees, and in 2008 the Consultation will be addressing the issue of how accommodation is provided for migrant workers in the UK.

The recommendations arising from the Consultation are set out on pages 41 - 48 and address the following key areas for action identified at the Consultation:

- Providing authorised sites to meet urgent short-term accommodation needs until the government's new policy framework has delivered the additional permanent sites to meet Gypsy and Traveller accommodation needs.
- Addressing the lack of political will across all levels of the political spectrum to tackle the existing widespread discrimination against Gypsies and Travellers.
- Integrating Gypsy and Traveller rights and needs into existing policies and mainstream services, with a particular focus on improving the education and health outcomes of travelling communities.
- Obtaining accurate and wide-ranging information to inform policy, counteract misinformation in the media and enable the sharing of good practice.
- Recognising the opportunities provided by working in partnership with Gypsy and Traveller communities, as well as social housing providers and landowners to improve the availability and choice of accommodation.



Who are Gypsies and Travellers?

Defining Gypsies and Travellers

The legal definition of a Gypsy or Traveller is far from clear-cut and definitions are contested, both within and outside the communities. Romany Gypsies and Irish Travellers are recognised racial groups for the purposes of the Race Relations Act 1976 and are therefore protected from discrimination by this Act and also by the Human Rights Act 1998, as are all ethnic groups who have a particular culture, language or values (it has yet to be tested by the courts whether Scottish and Welsh Gypsy Travellers have separate ethnic identities).

Case law established Romany Gypsies as a recognised racial group in 1988 and Irish Travellers in 2000¹. Roma are broadly defined as the European Romani speaking groups and have the same origins as Romany Gypsies in Britain. An increasing number of European Roma are now coming to Britain, due to the expansion of the European Union (EU) to include ten additional states in 2004 and Romania and Bulgaria in 2007.

Various other pieces of legislation and case law have created different, often broader, definitions, some of which include those who are nomadic

and/or who travel for economic purposes, such as show people working in fairgrounds, circus people, New Travellers (often referred to as 'New Age Travellers') and bargees who travel on our waterways².

Throughout this report the terms 'Gypsies and Travellers' and 'travelling communities' refer specifically to members of the Romany Gypsy and Irish Traveller ethnic groups; the needs of other travelling peoples vary, so some of the recommendations will apply equally to them, whilst others will be less relevant to other groups. It is likely, for example, that the needs of Scottish and Welsh Gypsy Travellers will match those of Romany Gypsies and Irish Travellers more closely than those of travelling show people and New Travellers. Those who are not Gypsies, Travellers or other travelling people are referred to as the settled population or settled community.

Gypsy and Traveller history and culture

Romany Gypsies and Irish Travellers are long-established ethnic groups in Britain, with history and traditions reaching back many centuries.

1. CRE v. Dutton (1988) and O'Leary v. Allied Domecq (2000)

2. See, for example, the definition of 'gypsies and travellers' established by Communities and Local Government in Statutory Instrument No. 3190 in 2006, for local housing authorities to use in assessing the level of need and in planning strategically for accommodation provision for the purposes of section 225 of the Housing Act 2004.

Romany Gypsies first came to Britain in the fifteenth century and have their origins in the nomadic tribes living in northern India. Irish Travellers have also lived in Britain for many generations. Both groups have their own languages and strong cultures which emphasise the value of family and community ties, with distinctive rituals around death and marriage and great emphasis placed on caring for children, the elderly and the infirm. Gypsies and Travellers tend to be suspicious of outsiders and have developed a strong sense of pride and resistance. Many adhere to strict rules regarding personal and food hygiene and cleanliness of their indoor living space learned over centuries of life on the road. Household size tends to be larger than that of the settled population³.

One of the key cultural characteristics is the nomadic or semi-nomadic way of life, although not all Gypsies and Travellers actually travel and it is recognised that physical travelling is not a defining characteristic⁴. Some Gypsies and Travellers are permanently settled in houses, others travel in the summer but return to a base in the winter, whilst others travel only for holidays or special family events. These patterns vary over time according to stage of the family life cycle, health and personal circumstances⁵. Although some Gypsies and Travellers travel regularly throughout the year, there are indications that fewer Gypsies and Travellers now travel full time⁶.

For some, this is a choice to have better access to health or education facilities; for others, it is an unwilling response to the increasing difficulty of life on the road, with fewer safe places to stop where they will not be hassled or moved on quickly.

Whilst the romantic image of horse-drawn brightly coloured wagons may persist in the popular imagination, Gypsies and Travellers nowadays travel and live in modern vehicles and caravans⁷.

Gypsies in Tudor Britain had an itinerant economy and specialised in metal working, fortune telling and musicianship. In later centuries they found work as licensed hawkers or pedlars, basket makers and horse dealers as well as seasonal agricultural labourers. More recently, many have found employment as casual gardeners, building workers, tarmacers, motor trade workers, scrap metal workers and tree fellers. As with any other community, of course, Gypsies and Travellers hold a wide range of occupations, including those within the teaching, health and financial sectors. Many Gypsies and Travellers prefer to work on a self-employed basis, rather than in salaried positions.

Children are brought up to be independent, often starting full-time work alongside family members at an early age and often marrying while still in their teens.

Problems faced by Gypsies and Travellers

The Gypsy and Traveller way of life is frequently romanticised, yet Gypsies and Travellers are some of the most marginalised ethnic minority groups in Britain today and 'No Travellers' signs still appear in blatant breach of the law⁸. Persecuted by the state for centuries, Gypsies and Travellers are now recognised and protected in law, although popular prejudice and discrimination against Gypsies and

3. Local Authority Gypsy/Traveller Sites in England, Niner, P., Office of the Deputy Prime Minister, 2003

4. Definition of the term 'gypsies and travellers' for the purposes of the Housing Act 2004, Communities and Local Government, January 2007

5. Accommodating nomadism? An examination of accommodation options for Gypsies and Travellers in England, Niner, P., Housing Studies, Vol. 19, No. 2, March 2004, pp 141-159

6. Local Authority Gypsy/Traveller Sites in England, Niner, P., Office of the Deputy Prime Minister, 2003

7. Commission for Racial Equality (CRE), http://www.cre.gov.uk/gdpract/g_and_t_facts.html (accessed 18 July 2007)

8. Gypsies and Travellers: A Strategy for the CRE, Commission for Racial Equality, 2004-7

Travellers is still widely regarded as acceptable and this has been termed 'the last bastion of racism'⁹.

Gypsies and Travellers have the poorest life chances of any ethnic group in the UK today. There is a greater incidence of ill-health amongst Gypsies and Travellers and 18 per cent of Gypsy and Traveller mothers have experienced the death of a child, compared to one per cent of the settled population¹⁰. Only 23 per cent of Irish Traveller children and 15 per cent of Gypsy/Roma children achieved five or more good GCSE grades, compared to 55 per cent of the settled population¹¹.

Gypsies and Travellers are exposed to frequent prejudice and hostility, even more so than other minority or marginal groups¹². Gypsy and Traveller children are frequently taunted and bullied at school, local residents are openly hostile to them and scare stories in the media help to fuel prejudices and make racist attitudes acceptable. Many myths and misunderstandings have built up over the years, which are rarely confronted with the facts that would dispel them.

9. The Last Bastion of Racism? Gypsies, Travellers and Policing, Coxhead, J., Trentham Books, 2007

10. The Health Status of Gypsies and Travellers in England, Van Cleemput et al for Department of Health, University of Sheffield, 2004

11. Ethnicity and Education: The Evidence on Minority Ethnic Pupils aged 5–16, 2006 Edition, Department for Education and Science, 2006 (see Figures 28 and 29)

12. Mori Poll conducted for Stonewall, 2003

Providing accommodation

There is a wide range of estimates of the number of Gypsies and Travellers in Britain, some as low as 90,000-120,000¹³, others as high as 300,000¹⁴. The exact figure is not known and is difficult to estimate, with current approximations drawn from empirical research and local authority caravan counts. It is also not known what percentage of Gypsies and Travellers in Britain live in 'bricks and mortar' accommodation and what percentage live in caravans. There are no definitive data since Gypsies and Travellers are not included as ethnic groups within the national census, although serious consideration is being given to this possibility for the 2011 Census¹⁵.

Where do Gypsies and Travellers currently live?

The provision of adequate and appropriate sites for Gypsies and Travellers lies at the heart of resolving inequalities of access to health, education and employment; helps to avoid tensions with local communities and is key to tackling racism and discrimination¹⁶. The government has now recognised that these problems can only be addressed by ensuring that there are sufficient legal sites available. Recent policy changes have given

local authorities in England and Wales new obligations in respect of providing accommodation for Gypsies and Travellers, to enable them to continue to live in caravans and to follow their traditional nomadic lifestyle if they so choose.

Local authorities are required to carry out official caravan counts on specific dates twice a year, counting all Gypsy and Traveller caravans within their areas (whether on authorised or unauthorised sites). In the caravan count conducted in January 2007, 3,538 caravans were found to be on unauthorised sites; this represents 21 per cent of the total number of caravans counted (16,611). Gypsies and Travellers who have to resort to unauthorised sites for their caravans are considered to be homeless¹⁷, and although 21 per cent is based on a count of caravans rather than people, it gives a reasonable impression of the scale of homelessness amongst Gypsies and Travellers living in caravans. In comparison, 0.7 per cent of settled households are found to be homeless per year¹⁸. Although the size of the accommodation shortage is small compared to that of the settled population, it represents a large proportion of the Gypsy and Traveller community and the lack of authorised sites gives rise to serious problems of conflict with the settled community and widespread racial

13. Roma/Gypsies: A European Minority, Liégeois, J-P, Gheorghe, N. Minority Rights Group, 1995

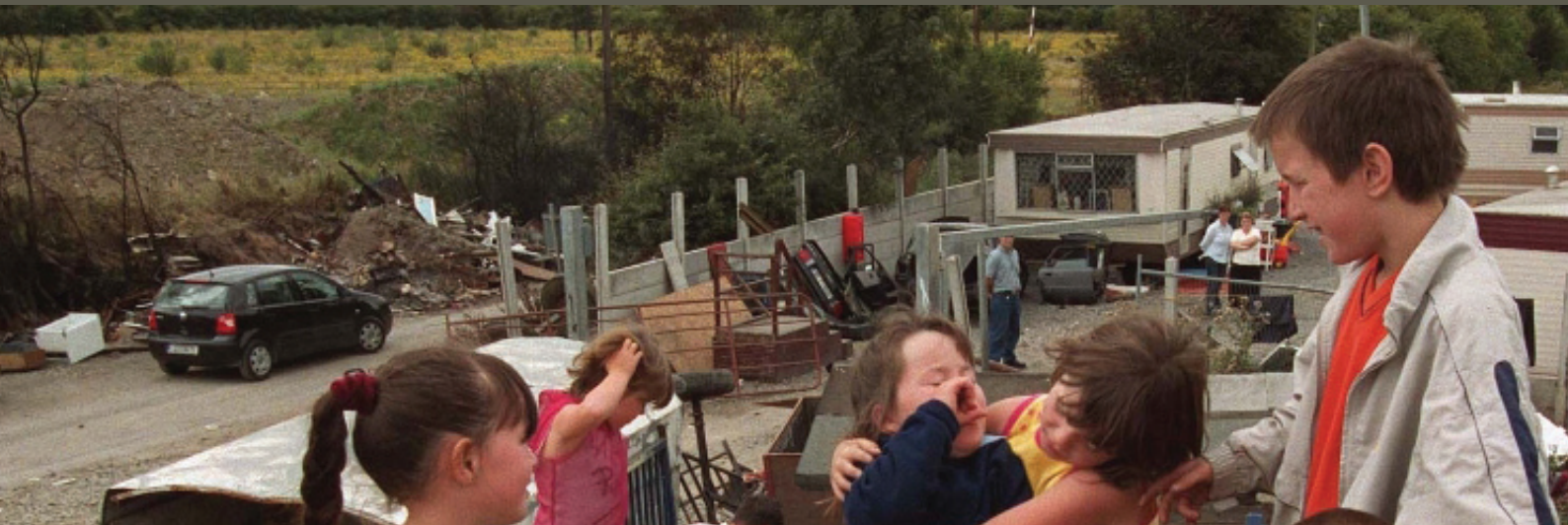
14. Legal Situation of the Roma in Europe, Parliamentary Assembly, Council of Europe, 2002

15. Consultation questionnaire on ethnic group, national identity, religion and language for the 2011 Census in England and Wales. Office of National Statistics, http://www.statistics.gov.uk/census2001/downloads/2011census_question_ethnic.doc (accessed 16 July 2007)

16. Moving Forward, the Provision of Accommodation for Travellers and Gypsies, IPPR, 2004

17. As defined in Part VII of the Housing Act 1996, "A person is also homeless if he has accommodation but ... it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it."

18. The number of households found to be homeless in England in 2005/6 (139,760, Homeless Link) as a percentage of the estimated total number of households in England in 2006, (21.5 million, CLG).



discrimination. Less than one square mile of land would be needed in the whole of England to provide every homeless Gypsy and Traveller household with a permanent pitch¹⁹; this is roughly the equivalent of one football pitch per local authority district. This is an achievable target.

The majority of Britain's Gypsies and Travellers are thought to live in 'bricks and mortar' housing, but definitive figures are impossible to gather. Some live in houses through choice and others have reluctantly abandoned their preferred nomadic way of life because of the difficulties in trying to retain their traditional travelling lifestyle²⁰. Many of those living in settled accommodation conceal their ethnicity to avoid harassment and discrimination from their neighbours and anecdotal evidence suggests that they are frequently susceptible to acute stress arising from the loss of cultural patterns and traditions.

The current types of sites used by Gypsies and Travellers living in caravans include:

- Authorised sites owned by local authorities, Gypsies or Travellers or private landlords for permanent residential use.
- Transit sites providing short-term stopping places, often limited to a period of up to three months.
- Emergency stopping places, which are not occupied all year round but may be made available at times of increased demand, such as cultural celebrations.
- Unauthorised developments on land owned by Gypsies or Travellers which does not have planning permission.
- Unauthorised encampments on land which does not have planning permission and is not owned by Gypsies or Travellers.

19. Facts about Gypsies and Travellers, Communities and Local Government, <http://www.communities.gov.uk/communities/racecohesionfaith/communitycohesion/combatingmisinformationabout/factsaboutgypsies/> (accessed 19 September 2007)
20. Local Authority Gypsy/Traveller Sites in England, Niner, P., ODPM, 2003

In general, authorised sites have a reasonable level of services while unauthorised ones may have little or no access to services. Authorised transit sites may have limited services, reflecting the fact that stops on them are supposed to be temporary.

The only available information on the number of Gypsy and Traveller households living in caravans comes from the biannual caravan count carried out by local authorities. It is widely recognised that this information is flawed and under-represents the true figure, either due to difficulties of data collection or due to a deliberate wish on the part of some local authorities to understate the position in their area. It is also important to note that Gypsies and Travellers living in bricks and mortar accommodation are not counted. Once information is available from the Gypsy and Traveller Accommodation Assessments (GTAAAs) currently being carried out, it is anticipated that there will be a much more comprehensive picture of the extent and type of accommodation needed.

The caravan count carried out in January 2007 showed there were 16,611 caravans in England, of which 79 per cent were on authorised sites, provided either publicly or privately, and 21 per cent were on unauthorised sites, either on land owned by Gypsies or Travellers or by other landowners. The total number of caravans had increased by 7.5 per cent since the equivalent count carried out in 2005 and the average number of caravans per site is 7.4²¹. Many sites are located at a distance from common services and are often close to motorways and major roads (26 per cent of sites), sewage farms (four per cent), rubbish tips

(12 per cent) or runways (13 per cent)²², locations which the planning system would not deem to be acceptable for the settled community.

Whilst Gypsies and Travellers can be found throughout the UK, there are specific areas of concentration of travelling communities in the East of England (25 per cent of all caravans in England), the South East (17 per cent) and the South West (14 per cent)²³.

Authorised sites: Most publicly provided sites were developed when local authorities had a duty to provide suitable accommodation for Gypsies and Travellers, between 1970 (due to the enactment of the Caravan Sites Act, 1968) and 1994 (when the Criminal Justice Act abolished the duty to provide sites). Of the caravans that are parked on authorised sites, roughly half are on socially rented sites and half are on private sites (6,564 and 6,509 respectively in the January 2007 caravan count)²⁴. In one survey, caravans on private sites were found to be split fairly evenly between those that were on sites owner-occupied by family groups, and those rented on a commercial basis²⁵.

Unauthorised sites: Unauthorised encampments (as opposed to unauthorised developments on land owned by Gypsies and Travellers) are typically found on roadsides or on public open spaces. Such unauthorised encampments are major focal points for tension between the settled and travelling communities. Some unauthorised encampments also occur on private land, which can cause conflict with landowners and farmers when it concerns their land.

21. Gypsy and Traveller Site Data and Statistics, Communities and Local Government.

<http://www.communities.gov.uk/housing/housingmanagementcare/gypsiesandtravellers/gypsyandtravellerssitedataandstat/> (accessed 19 September 2007)

22. Evidence given to ODPM Select Committee (2004) Gypsy and Traveller Sites: Thirteenth Report of Session 2003-2004, Volume 1 HC633-1 8 November 2004

23. Gypsy and Traveller Site Data and Statistics, Communities and Local Government.

<http://www.communities.gov.uk/housing/housingmanagementcare/gypsiesandtravellers/gypsyandtravellerssitedataandstat/> (accessed 19 September 2007)

24. Ibid.

25. Local Authority Gypsy/Traveller Sites in England, Niner, P., ODPM, 2003

The numbers are higher in the summer when more people are travelling. In July 2006, 1,872 caravans were counted on such encampments, most of which lack any form of services or amenities²⁶.

Where there is an unauthorised encampment, it is mainly the responsibility of landowners to seek repossession of their land, since trespass is treated as a civil wrong rather than a criminal offence. However, under the terms of the Criminal Justice and Public Order Act 1994 (as amended by the Anti-Social Behaviour Act 2003) the police have additional powers to intervene in removing Gypsies or Travellers from unauthorised encampments where alternative sites are available in the same local authority area. In reality, however, this is rarely the case due to the shortage of sites.

In January 2007, 2,252 caravans were parked on land owned by Gypsies and Travellers but which had not been given planning permission (unauthorised developments)²⁷. Use of land as a Gypsy or Traveller caravan site requires planning permission but it is frequently the case that Gypsies and Travellers buy land and move onto it without obtaining the necessary planning approval. This may be due to ignorance of the correct procedures or a perception that even if they do apply there will be little chance of obtaining planning permission.

Transit sites: There are few specific transit sites to accommodate short-term stops for seasonal and occasional travellers as well as those who prefer to travel full-time. In January 2007 there were only 301 publicly owned pitches (6.1 per cent of the total number of local authority provided pitches in England) intended for transit use in England²⁸.

With severe pressure on permanent sites, many sites intended for transit use are now used as a more permanent base for Gypsies and Travellers who no longer travel regularly. For those Gypsies and Travellers wishing to travel, unauthorised encampments are often the only option they have for parking their caravans.

Increasing the number of available sites

Few new permanent sites have been provided by local authorities since the Criminal Justice and Public Order Act 1994 abolished the statutory obligation in the Caravan Sites Act 1968 for local authorities to provide sites. The resulting serious shortage of authorised sites nationally has led inevitably to an increasing number of unauthorised settlements, with Gypsies and Travellers being chased from one piece of land to another and rising levels of tension in some areas between settled and travelling communities.

The government is now seriously committed to addressing these issues and has developed an integrated approach to address the shortage of sites, the poor quality of many existing sites, tensions with settled communities regarding unauthorised encampments and the lack of political will in some local authorities to address the issue. The key elements of this approach include:

- Providing a new framework for site provision backed up by additional resources.
- Developing best practice guidance on designing and managing sites.

26. Gypsy and Traveller Site Data and Statistics, Communities and Local Government, <http://www.communities.gov.uk/housing/housingmanagementcare/gypsiesandtravellers/gypsyandtravellerssitedataandstat/> (accessed 19 September 2007)

27. Ibid.

28. Ibid.

- Ensuring effective use of enforcement powers.
- Capacity building with officers and elected members of local authorities to improve their understanding of their obligations in respect of Gypsies and Travellers.
- Working with Government Offices and Regional Assemblies to challenge and support delivery by local authorities which have the most urgent need for Gypsy and Traveller sites.
- The Regional Planning Body uses this information to decide the total need for pitches in the region, taking a strategic view across the whole region and specifying pitch numbers for each local authority in the Regional Spatial Strategy (RSS).
- The local authority identifies land to meet the number of pitches required by the RSS in its Development Plan Documents.

Provision and location of sites

In February 2006, the government issued a number of guidance documents, which provide a sound and rational starting point for delivering change by delivering additional provision, as well as encouraging more effective enforcement action against unauthorised sites²⁹. The new policy framework, in particular Circular 01/2006, facilitated by the Housing Act 2004 and the Planning and Compulsory Purchase Act 2004 is designed to address the accommodation needs of Gypsies and Travellers and requires local authorities to carry out an assessment of accommodation needs for Gypsies and Travellers in the same way as they do for the settled community.

The key stages of the site provision framework are:

- Local authorities assess Gypsy and Traveller accommodation needs in their areas, as part of developing their wider housing strategies, by carrying out GTAAAs.

This site provision process is still in its very early stages; GTAAAs have been completed in some regions, but elsewhere they are still being carried out. Concerns have been raised that some of the GTAAAs completed to date may not have been sufficiently robust.

The Gypsy and Traveller Task Group on Site Provision and Enforcement, established in 2006, has asked the Gypsy and Traveller Unit of Communities and Local Government (CLG) to report on its monitoring of local authorities' progress in conducting Assessments by the deadline set by government ministers of the end of 2007³⁰.

There is also a query over whether the need for sites should be met where it arises and has been identified, or where it is felt that it should be met, i.e. should those local authorities who have very few caravans in their area, either because they have few sites and very strict enforcement procedures or because there is a small Gypsy and Traveller population in the area, not be required to provide any in the future? A balanced view will need to be taken at regional level to address this issue.

29. Planning for Gypsy and Traveller caravan sites (Circular 01/2006), Gypsy and Traveller Accommodation Assessment: Draft Practice Guidance and A Guide to Effective use of Enforcement Powers – Part 1: Unauthorised encampments. All from CLG, 2006

30. Interim Report to Ministers, Gypsy and Traveller Task Group on Site Provision and Enforcement, 2007

The Gypsy and Traveller Unit of CLG has provided £56 million additional funding for local authorities over the period 2006-8, to help provide new sites and refurbish existing ones. Given the scale of the need for more sites and the fact that the grant provides 100 per cent funding of the costs involved in building new sites or extending existing ones, and 75 per cent of the cost of refurbishing an existing site, it is perhaps surprising that there has not been an oversubscription of the funds available. It remains to be seen what funds are available for 2008-2010 under the Comprehensive Spending Review (CSR 07) and whether the take-up for new sites improves significantly. Another means for local authorities to provide sites would be to use Section 106 agreements, which are routinely used by local authorities to provide other types of accommodation. It is therefore recommended that:

1

Local authorities should use Section 106 agreements to provide land or financial resources for Gypsy and Traveller sites in the same way as they are used to provide additional social housing. The Improvement and Development Agency for local government (IDeA), Local Government Association (LGA) and CLG should support this by disseminating good practice case studies as they become available.

A local authority does not need to provide all the pitches identified in the RSS itself; rather, it needs to allocate sufficient land for the pitches to be provided. Possible providers include private provision by Gypsies and Travellers, registered social landlords (RSLs) and other private providers, as well as the local authority. The new framework

does not include a duty of provision on local authorities, which had proved effective in many areas in delivering sites previously. In order to offer suitable options in the private sector for the provision of sites, it is recommended that:

2

CLG should bring together different stakeholders who might be able to participate in the provision of permanent private rented sites, including farmers and other landowners, in order to develop suitable private sector options.

CLG is currently undertaking consultations to identify and develop good practice in the design and management of sites. Not only is the provision of sites of great importance, but the suitability of their location in terms of sustainable development must also be considered in the same way that it would be for housing provision for the settled community. It is therefore recommended that:

3

Local authorities should ensure that the planning process addresses the wider sustainability of sites in the same way it would for bricks and mortar accommodation, addressing factors such as travel to work, access to services and public transport, amongst others, and does not cause sites to be developed in areas which would not be acceptable for bricks and mortar accommodation due to environmental and health risks.

4

Local authorities should involve Gypsies and Travellers early on in consultations of potential locations for sites.

As work progresses under the current policy framework it will become clear whether the approach is succeeding in providing sufficient suitable accommodation for Gypsies and Travellers. It is important that additional practices are identified that can be used to help the framework succeed or that can be implemented if any failings are identified, for example by encouraging or compelling recalcitrant local authorities to fulfil their part of the policy. Central government could seek to influence local authorities through areas that are important to them, such as their money, power and reputation. It is recommended that:

5

CLG should stipulate that a proportion of the Housing and Planning Delivery Grant (HPDG)³¹ can only be drawn down if a local authority achieves adequate delivery of Gypsy and Traveller accommodation.

6

CLG should consider using further tools to ensure that recalcitrant local authorities meet their obligations if the new framework is unable to deliver sites as anticipated; suitable tools might include limiting authorities' Comprehensive Performance Audit (CPA) star ratings³², requiring targeted inspection by the Audit Commission, top-slicing funding from the revenue support grant (RSG)³³ to pay for direct provision, and/or reintroducing and enforcing an obligation to provide sites.

Despite the obligation for local authorities to carry out GTAAAs and identify suitable land for site provision within their area, there will be cases where local authorities are slow to act on this.

The issue of timing is important as some local authorities may be concerned that being the first to provide a site might mean that it would absorb need from neighbouring local authorities, leaving need unmet within their areas. Local level partnership working between local authorities will be needed to identify how best to manage this and the timing necessary. To ensure the delivery of sites within a reasonable timescale, it is recommended that:

7

CLG should use powers to direct local planning authorities to produce a Development Plan Document where progress towards provision of sites is not being made in a timely manner.

As well as the moral and legal reasons for providing suitable accommodation for Gypsies and Travellers, there is also a strong financial case for site provision rather than continuing to tackle enforcement. Bristol City Council was spending on average £200,000 per year on enforcement and clean-up costs when there were no local authority-run Gypsy or Traveller sites. In 1998 the council decided to build a transit site at a cost of around £425,000. Following the provision of the site, the council's enforcement costs were reduced to around £5,000 per year³⁴. It is recommended that:

8

The Audit Commission should identify the comparative costs of new site provision and enforcement action on unauthorised sites and ensure that local authorities are not wasting public money by pursuing an enforcement-based approach unnecessarily.

31. The HPDG is set to replace the Planning Delivery Grant. It is intended to provide an incentive to local authorities and other bodies to respond more effectively to local housing pressures and to make improvements to the planning system.

32. Star ratings are a measure of local authorities' performance, as assessed by the Audit Commission through the CPA. CPA is scheduled to be replaced by the Comprehensive Area Audit (CAA) in 2009.

33. The RSG is an amount of money given by central government to local authorities each year. Central government could withhold part of this sum from a local authority and develop site provision directly.

34. Local Authorities and Gypsies and Travellers: A guide to responsibilities and powers, CLG, London, 2007

As well as increasing the number of new sites available, it is important to recognise that some existing sites are changing to other uses, thereby further reducing the existing supply. There have been reports that some private site owners have been evicting Gypsies and Travellers to make way for migrant workers, from whom they can demand higher rents, which may be exacerbating this problem. In order to ensure that the number of available sites does not decrease it is recommended that:

9

CLG should require local authorities to ensure that there is no net decline in existing sites by requiring that alternative provision is made as a condition of approving any planning applications that would remove a site or change its use away from Gypsy and Traveller accommodation.

It is unclear what impact the recent EU expansion will have on the demand for sites for Gypsies and Travellers, however, evidence gathered so far through GTAAs that have included Roma appears to bear out the contention that the policy of enforced settlement prevalent in Eastern Europe has resulted in this group wishing to be accommodated in bricks and mortar housing. This needs to be assessed over time and it is recommended that:

10

The Commission for Equality and Human Rights (CEHR) should monitor migration of ethnic Roma from Europe on an ongoing basis, assessing any impact this may have on the demand for Gypsy and Traveller accommodation.

The difficulty often experienced by Gypsies and Travellers in gaining planning permission reflects in part the fact that land is often purchased in areas that are generally protected from development, such as Green Belt or Areas of Outstanding Natural Beauty, and which is therefore relatively affordable, but refusal can also be due to discriminatory and largely politically oriented decision-making practices³⁵. Research conducted in 1999 indicated that local authorities refused as many as 95 per cent of planning applications for private Gypsy or Traveller sites, with about 30 – 35 per cent subsequently succeeding on appeal³⁶; this is comparable to the national average for all applications going to appeal³⁷. More recent research suggests that Planning Circular 01/2006 is having an impact, with the rate of success on appeal for applications for Gypsy and Traveller sites increasing from around 35 per cent in the six months prior to its introduction, to around 54 per cent in the six months thereafter.³⁸

By ensuring Gypsies and Travellers are well-supported in the planning process, local authorities can help them to select land where they are likely to be able to obtain planning permission, and to apply for planning permission for suitable development on those sites, thereby reducing the incidence of problems associated with unauthorised developments occurring because inappropriate land has been purchased. This pre-application advice can help to create reasonable expectations if the planning officer draws to the applicant's attention the circumstances in which their application might be approved, together with any conditions that are likely to be applied³⁹.

35. Good Practice Note 4: Planning for Gypsies and Travellers, RTPI, <http://www.rtpi.org.uk/item/441/23/5/3> (accessed 20 August 2007)

36. Private Gypsy Site Provision, Williams, T., ACERT 1999

37. Planning Portal, Chance of Success, <http://www.planningportal.gov.uk/england/genpub/en/1018892035144.html> (accessed 18 July 2007)

38. Impact of Circular 1/06: Supply of New Gypsy/Traveller Sites, Lishman, R., De Montfort University, 2007

39. Good Practice Note 4: Planning for Gypsies and Travellers, RTPI, <http://www.rtpi.org.uk/item/441/23/5/3> (accessed 20 August 2007)

It is therefore recommended that:

11

Local authorities should assist Gypsies and Travellers in the planning process by providing guidance from the early stage of site selection, through to providing assistance with the submission of planning applications.

Improving choice

As with the provision of accommodation for the settled community, it is important to recognise that one solution does not fit all needs. Gypsies and Travellers want the option of a range of different kinds of provision. An increase in the number of local authority provided sites would be welcomed by some, but for others this is not a preferred option. The costs, rules, regulations and site management can be intensive on a local authority-owned site and the inability to choose neighbours and fears of problems with other residents can also be drawbacks⁴⁰. Family-owned sites are seen by many to be the preferred option, but it is not necessarily easy to obtain these. Buying the land itself can be expensive and there are frequently difficulties in obtaining planning permission. The easiest option politically for a local authority is to extend existing authorised sites, but a small number of large sites is not the preferred option for many Gypsies and Travellers, who prefer to live in smaller groups. Larger sites will also present particular management challenges, and may be more contentious for neighbours in the settled community.

Registered social landlords (RSLs) have recently gained powers to set up and manage Gypsy and Traveller sites as part of their housing provision remit, and are able to receive grants in order to do so. This is an area of housing provision that RSLs have not been extensively involved with in the past, although they do have good experience in dealing with housing for hard-to-reach communities. Reservations have been expressed by RSLs due to their inexperience with this type of work, the extent to which the sites would be a net generator of income and their capacity to find the staff resources to deal with site management⁴¹. It may be particularly useful for RSLs to become involved in Gypsy and Traveller accommodation in areas where they have received large-scale voluntary transfers of local authority housing stock and the local authorities no longer have any housing management functions in-house (apart from Gypsy and Traveller sites), enabling all of the authority's stock to be managed by the same organisation.

There is also a need for improving the range of tenure options available to Gypsies and Travellers living on sites, in particular improving security of tenure. Current site licences for public Gypsy and Traveller sites allow twenty-eight days notice of termination, meaning those living on the sites do not enjoy long-term security of tenure in comparison to local authority tenants living in bricks and mortar. The government plans to introduce new provisions to increase security of tenure on public Traveller sites in the Housing and Regeneration Bill in the next session of Parliament, in response to the outcome of a European Court of Human Rights decision in 2004⁴².

40. Local Authority Gypsy/Traveller Sites in England, Niner, P., ODPM, 2003

41. Happy camping, Brandon, S. Inside Housing (13 July 2007) page 20

42. *Connors v the United Kingdom* (2004)

Consideration could also be given to offering the right to buy which is not currently an option for Gypsies and Travellers living on local authority owned sites but which settled local authority tenants can take advantage of. It is therefore recommended that:

12

CLG should ensure that a range of tenures are available to Gypsies and Travellers living on sites, and that these provide broadly the same rights and security of tenure as those available to people living in bricks and mortar accommodation.

Meeting urgent accommodation needs in the short term

Although the policy framework is in place to deliver additional sites, it is likely to be at least five, if not ten, years before a substantial number of additional sites become available as a result of the new framework. Although the new policy framework provides a sound basis to provide additional sites in the future, it does not have a strong policy basis for decision-making in the interim to address the urgent need faced by more than 3,500 Gypsy and Traveller households who are homeless. The government has recognised that embedding the framework will take time. One of the options included in Circular 01/2006 is that, where there is clear and immediate need, for example where there are large numbers of unauthorised encampments or developments, local planning authorities should bring forward Development Plan Documents containing site

allocations in advance of regional consideration of pitch numbers and the completion of new GTAAs⁴³. The following recommendations are made to help address the urgent need for sites as an interim measure until permanent provision is made:

13

CLG should encourage local authorities to grant temporary planning permission on some sites for the next five years or so, until the new policy framework is able to deliver additional permanent sites, and develop guidance on interim site selection and the use of time-limited planning permissions.

14

CLG should reduce the perceived risk for landowners in renting land to Gypsies and Travellers by developing a financial guarantee scheme possibly based on the Frankham Bond, the Rent Deposit Guarantee Scheme or similar.

15

Local authorities should consider alternative means of obtaining land for temporary use as a site, such as renting farmland from farmers. They could consider operating these in the summer months only, to ease the greater shortage at this time of the year, if they feel it would be easier to obtain agreement for this.

16

The National Farmers' Union (NFU) and the Institutional Landowners' Group should inform their members of possible opportunities for income generation and diversification by renting land to Gypsies and Travellers.

43. Circular 01/2006, paragraph 43 (transitional arrangements), ODPM, 2006

Several local authorities run Tenant Accreditation Schemes, designed to help tenants in the settled community demonstrate to landlords that they are committed to being good tenants and give landlords some confidence in those to whom they are letting accommodation; these schemes typically include a Code of Conduct that tenants sign up to, and they may receive a document they can provide to future landlords at the successful completion of the tenancy. It is therefore recommended that:

17

CLG should develop a voluntary membership scheme for Gypsies and Travellers, comparable to Tenant Accreditation Schemes.

One innovative approach that could enable some provision of accommodation in the interim period before the current policy framework has time to deliver would be to re-purpose the legislation that currently allows the Caravan Club to create sites for holidaying caravan owners. As the legislation currently stands, Gypsy and Traveller organisations would not be able to make use of this law because the sites must be for 'recreational' purposes. It is therefore recommended that:

18

CLG should amend Schedule One of the Caravans and Control of Development Act 1960 to allow recognised Gypsy and Traveller groups to become 'exempted organisations' within the meaning of the Act, allowing them to issue certificates for land in the same way the Caravan Club can.

Working with local authorities

Local authorities are key delivery agents for the new government policy towards Gypsies and Travellers. Working with local authorities, especially those in priority areas, and building up their capacity in working with Gypsy and Traveller accommodation issues, is a key element of the approach. **Fenland District Council** is one of the pioneering authorities in this area and a summary of its work with Gypsies and Travellers is set out below which illustrates the good practice that it pursues.

The area covered by Fenland District Council lies in the fens of north Cambridgeshire. It is a pleasant rural environment and includes the attractive market towns of March and Wisbech. Historically, this area has had one of the largest populations of Gypsies and Travellers in the UK. When faced with increasing problems of unauthorised encampments and local friction fuelled by inflammatory media reporting, the district councillors decided to positively address the issues. Councillors see it as their moral as well as legal duty to provide accommodation for their Gypsy and Traveller communities and to enable access to services such as healthcare and education, comparable to those provided for members of the settled community.

Fenland District Council has 477 caravans in its area, of which 232 caravans are on private family-owned sites, 55 are on unauthorised developments and only 22 are on unauthorised encampments⁴⁴. Part of the reason for Fenland's success in having so many pitches on private sites has been the support it provides from the very earliest stages of the planning process.

44. Fenland District Council Local Development Framework, Annual Monitoring Report 2005 - 2006

Through its ongoing liaison with Gypsies and Travellers it is able to engage with those who are considering buying land to create a pitch. By explaining why certain pieces of land would be unlikely to obtain planning permission the council is able to prevent members of the Gypsy and Traveller community wasting their time and money trying to get permission on unsuitable land and help them identify more suitable locations. This reduces the number of unauthorised encampments and leads to improved relationships with the settled community. The private sites are well run; they are not tucked away in the middle of nowhere and are seen very much as assets and a part of the local communities in which they are located.

The five sites provided by the local authority are well designed and managed. They have brick-built amenity blocks with kitchens and showers and the support service is similar to that provided for social housing residents, including opportunities for reporting repairs. Maintenance work is conducted promptly. Rents are reasonable at approximately £45 per week and even at this rent the sites are all self-financing. Supporting People assistance is provided where needed and benefit 'health checks' are carried out to ensure that people obtain any benefits they are entitled to. A Sure Start scheme operates on one of the sites. The provision of decent, well-managed and fully serviced sites helps the settled community to recognise that Gypsies and Travellers are responsible members of the community.

The council tries to ensure that Gypsies and Travellers are at the heart of their approach, and many of the activities carried out result from suggestions coming directly from the Traveller Forum that it established.

This forum is Traveller-led, with others participating only at the invitation of the Gypsy and Traveller members. Care is taken to ensure that information is provided in a range of formats to ensure the widest possible accessibility. The requirement to carry out a Gypsy and Traveller Accommodation Assessment provided a golden opportunity to further increase the council's knowledge of the needs and wishes of their Gypsy and Traveller communities. It worked with Anglia Ruskin University and Buckingham Chilterns University College to train members of the Gypsy and Traveller community to conduct the surveys. The work was carried out affordably, in a highly professional manner and increased the transferable skills, qualifications and income of those involved.

Promoting understanding of Gypsy and Traveller issues is a crucial part of Fenland's approach and the authority works both proactively as well as reactively with local media to promote understanding of Gypsy and Traveller issues. It counters any negative stories in the local press, but also actively publicises any good news stories, showing positive images and the benefits of the communities working together.

As well as communicating with members of the settled community, the council works hard to train its 40 elected members (all but one Conservative) and staff on Gypsy and Traveller issues, as well as officers in other agencies such as the emergency services, health providers and the County Council.

By working with its partner organisations, Fenland District Council believes it is in a better position to deliver integrated services to the community as a whole.



The council is well aware of its duty to promote good race relations amongst all its residents and Equality Impact Assessments have been carried out on every policy, practice and function to identify the impact on every different section of the community, including Gypsies and Travellers. Any inequality identified has been addressed. The council has also worked to address the discrimination, bullying and hate crime that many Gypsies and Travellers face. A CD has been produced to try and give members of Gypsy and Traveller communities confidence to be able to report hate crimes, and this has been further developed to produce a CD targeted at children to encourage them to report any bullying and discrimination they encounter in schools.

Fenland District Council is already looking ahead to meeting the needs of the next generation since the GTAA survey has identified that there will be new households forming in the next few years who will need their own accommodation.

Fenland is a very rural area, however, the approaches that they have adopted such as good management of existing sites, the will to provide future sites and strong and supportive leadership from council members are all approaches that can be replicated in other areas. Whilst recognising that the issues affecting rural and urban areas can differ widely, the overarching issues and possible solutions to them have relevance to all types of area.

Promoting understanding

The factors that make it so difficult to deliver appropriate accommodation for Gypsies and Travellers are not primarily housing or planning issues; they are much wider and more deep-seated, relating to the prejudice and negative attitudes towards Gypsies and Travellers in the wider community.

Key issues that lead to a lack of understanding, distrust and discrimination between Gypsies and Travellers and the settled community include:

- Lack of information and/or deliberate misinformation about Gypsies and Travellers, their lifestyle and heritage and racist attitudes towards them.
- Lack of contact between the settled and travelling communities.
- Lack of involvement of Gypsies and Travellers in developing appropriate policy and practice.
- Lack of political will to address the issues.

Addressing the lack of information and reducing misinformation

Gypsies and Travellers seem to face disadvantage

and discrimination in almost every walk of life. However, the lack of adequate data both at local and national level means there is no accurate picture of the discrimination that exists.

Prejudice and a lack of understanding are fuelled by the absence of facts and a lack of information allows stereotypes and assumptions to pervade.

The settled community has little understanding of the Gypsy and Traveller culture and way of life – for example, that many Gypsies and Travellers live in houses and that those who live on authorised sites pay council tax, rent, gas, electricity and all the other associated charges, measured and charged in the same way as neighbouring houses⁴⁵.

The Gypsy and Traveller Accommodation Assessments (GTAAAs) that all local authorities are required to complete should help to provide detailed information on a national basis; however, although the Office of the Deputy Prime Minister (ODPM, now superseded by CLG) produced draft guidance on how to conduct them⁴⁶, the quality and depth of assessments may vary, giving a more comprehensive picture of the situation in some areas than others.

45. Gypsies and Irish Travellers: The facts, Commission for Racial Equality, 2007 http://www.cre.gov.uk/gdpract/g_and_t_facts.html (accessed 19th July 2007)

46. Gypsy and Traveller Accommodation Assessments: Draft Practice Guide, February 2006. <http://www.communities.gov.uk/publications/housing/gypsytraveller> (accessed 22 August 2007)

In order to address the lack of information about Gypsies and Travellers, it is recommended that:

19

All public authorities should include Romany Gypsies and Irish Travellers as categories within all exercises where racial/ethnic data is gathered or monitored, including ethnic monitoring of crime and anti-social behaviour.

20

The Office for National Statistics should include Romany Gypsies and Irish Travellers as separate categories in the 2011 Census.

21

CEHR should provide firm guidance to all public bodies that they should include Romany Gypsies and Irish Travellers as categories within all exercises where racial/ethnic data is gathered or monitored.

One of the most common misunderstandings and causes of tension relates to levels of crime and anti-social behaviour in the travelling community. Criminal justice agencies do not include Gypsies and Travellers within their ethnic monitoring as standard practice (although some police forces have added categories for Gypsies and Travellers), so accurate statistics are not available either as to the level of crime carried out by Gypsies and Travellers, or the extent of hate crime⁴⁷ committed against them⁴⁸.

There is no evidence to suggest that the rate of offending by Gypsies and Travellers is any higher than in the rest of the population, but police do believe that there is a significant under-reporting of hate crime⁴⁹. Gypsies and Travellers are frequently scapegoats where criminal damage or fly tipping occurs with no known culprits⁵⁰, and the presence of a Gypsy or Traveller site may well provide a welcome opportunity for local criminal elements to be more active, knowing that the new arrivals will attract the blame⁵¹. Many do not see the link between poor community relations and inadequate site provision, instead blaming Gypsies and Travellers for establishing unauthorised encampments and developments. It is, however, quite appropriate that anti-social behaviour on sites, and from those living on them, should be dealt with in the same firm way it should be dealt with for those living in bricks and mortar housing.

One feature of an integrated society is that no-one feels trapped within their own community and is able to interact meaningfully with others, at work, in education, at leisure and where they live⁵². Lack of opportunity for contact between the travelling and settled communities is a key driver for prejudice and misunderstanding about Gypsies and Travellers, leaving people with little beyond rumour to form their opinions. The sites where Gypsies and Travellers live are often remotely located and in hazardous places and there is little opportunity for day-to-day contact, even if the communities welcomed it.

47. Hate crime is defined by the Home Office as "Any incident, which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate", and includes crimes motivated by hatred of someone because of their ethnic origin.

48. Hate Crime: delivering a quality service. Association of Chief Police Officers Race and Diversity Working Group and the Home Office Police Standards Unit, March 2005.

49. Common Ground: Equality, Good Race Relations and Sites for Gypsies and Travellers, Commission for Racial Equality, 2005, p112. In a survey by one police force 68 per cent of Gypsies and Travellers reported that they had been victims of hate crime but did not trust the police sufficiently to report the incidents.

50. Gypsy Camp Plea by Police to Deter Racist Thugs, Observer, 8th August 2004, <http://www.guardian.co.uk/race/story/0,,1278738,00.html> (accessed 19th July 2007)

51. The Gypsy Debate: Can discourse control? Richardson, J., Exeter, Imprint Academic, 2006

52. Commission for Racial Equality, Response to the Commission on Integration and Cohesion <http://www.cre.gov.uk/diversity/integration.html> (accessed 17 July 2007)

The settled community therefore gets its information about Gypsies and Travellers from local press coverage, which tends to be interested in incidents of alleged bad behaviour. Nor are there any significant areas of contact at work or school since many Gypsies and Travellers are self-employed and the children who are travelling often do not attend school on a regular or long-term basis⁵³. Many Gypsies and Travellers who live in bricks and mortar housing do not always disclose their ethnicity for fear of abuse and discrimination.

The way in which local authorities address the needs of their travelling communities can also lead to misunderstanding. Gypsy and Traveller sites are frequently the responsibility of local authority environmental or public health departments⁵⁴, whose remits are more commonly associated with pest control, contamination and dustbins. This contributes to the perception of Gypsies and Travellers as second class citizens. Many local authorities do not allocate responsibility for Gypsy or Traveller sites and services at a sufficiently senior level or ensure that front line officers engage directly with Gypsies and Travellers. It is therefore recommended that:

22

Local authorities should ensure that responsibility for Gypsy and Traveller issues, at district or borough council level, falls within appropriate departments, such as Housing and/or Equality and Diversity Departments and not in Environmental/ Public Health.

The media has a crucial role to play in affecting public attitudes towards Gypsies and Travellers, who are recognised as some of the most vulnerable

and marginalised ethnic minority groups in Britain⁵⁵. More than most other ethnic groups, Gypsies and Travellers are vilified as a group⁵⁶, with the irresponsible behaviour of some seized upon as evidence of the behaviour of the entire community⁵⁷. The Press Complaints Commission (PCC) process at present does not protect the rights of vilified groups (as opposed to individuals) and there is little practical opportunity for the Gypsy and Traveller community to seek appropriate redress when inaccurate coverage breaches race relations legislation. The PCC cleared the Sun newspaper of any charge of racial hatred with respect to its 'Stamp on the Camps' campaign, which it considered did not breach its Code of Practice⁵⁸.

It is important that there should be a widespread challenge to the media when its coverage is inflammatory, inaccurate or prejudicial, and that this should come from local authorities and Gypsies and Travellers, as well as bodies such as CEHR. One way in which negative reporting can be countered is by promoting positive stories particularly in the local press, where greater coverage can be given, as well as in the national farming press to highlight examples of mutually beneficial coexistence and cooperation. It is therefore recommended that:

23

CEHR and the Department for Culture, Media and Sport should create a clear strategy to monitor negative media coverage of Gypsy and Traveller issues and where necessary take appropriate action against coverage that incites racial hatred, supporting this with a training document on Gypsy and Traveller issues for those working in the media.

53. Elective Home Education for Gypsy, Roma and Traveller Children, Ivatts, A for DfES, 2006

54. Local Authority Gypsy/Traveller Sites in England, Niner, P., Centre for Urban Regional Studies, ODPM, 2003

55. Gypsies and Travellers: A Strategy for the CRE 2004-7, Commission for Racial Equality, 2004

56. Claim by Dr James Smith of the National Holocaust Centre that "Gypsies are Europe's most hated" <http://news.bbc.co.uk/1/hi/uk/4486245.stm> (accessed 18 July 2007)

57. The Gypsy Debate: Can discourse control? Richardson, J., Exeter, Imprint Academic, 2006

58. Travellers Times, Issue 28. <http://www.travellerstimes.org.uk/issues/TT28.pdf> (accessed 16 July 2007)

24

Local authorities should respond to inaccurate reporting in the local media by seeking to put the record straight, as well as actively promoting positive stories.

25

The Press Complaints Commission should, at its next review of its Code of Practice, change the Code to provide rights for vilified groups (as well as individuals).

Citizenship education in schools provides an opportunity for the traditional cultures and values of Gypsies and Travellers to be discussed and celebrated, in much the same way as the cultures of other ethnic groups and faiths are. Therefore it is recommended that:

26

Local authorities and schools should include Gypsies and Travellers within cultural events where diversity is celebrated.

27

The Department for Children, Schools and Families should include Gypsy and Traveller issues within diversity/citizenship education in the school curriculum.

Partnership working with Gypsies and Travellers

Gypsies and Travellers are rarely involved in local decision-making. This is partly because they have little confidence in the process, but also because arrangements are rarely designed to include them

and there is little direct contact with local councillors. Public bodies often leave Gypsies and Travellers out of their key strategies because they do not know, or sometimes prefer not to know, that Gypsies and Travellers are legally recognised racial groups. Gypsy and Traveller needs are assumed to be associated principally with sites, rather than the basic services provided for other members of the public. Therefore it is recommended that:

28

Local authorities should create and facilitate Gypsy and Traveller Forums with high levels of Gypsy and Traveller participation, to provide an opportunity to identify key needs and aspirations.

29

Local authorities should seek to engage with Gypsies and Travellers in community consultation processes on all issues affecting their area, not just those that specifically relate to Gypsies and Travellers.

There is a strong need for Gypsies and Travellers to be involved in developing Development Plan Document content, in particular making representations concerning the allocation of land for sites. Resources will be needed for the proper and sophisticated participation of Gypsy and Traveller communities in policy areas, as involvement can be time intensive and is often difficult for those working on a self-employed basis. Planning Aid, with its free provision of planning advice, is one mechanism, although by no means the only one, for supporting greater involvement. Other opportunities for involving Gypsies and Travellers strongly in the early stages of plan making need to be pursued.

It is recommended that:

30

Gypsies and Travellers, supported by organisations like Planning Aid, should make representations to influence Development Plan Document content in order to ensure that their interests, needs and desires are represented.

It has been argued that involvement would be easier if there was a single organisation that spoke for all Gypsy and Traveller groups. Attempts to form a single enduring organisation have not been successful in the past, however, and it is a matter of respect and pride that the local groups present themselves as their members think fit, in all the regions across the country. There has been successful work on this basis in recent years and there should be support for existing groups to continue to build their capacity and represent their communities more effectively.

One key area of involvement that is just beginning to be undertaken by Gypsies and Travellers is the provision of training services in cultural awareness and diversity issues, for public bodies and other organisations needing to meet their equality agendas. Although diversity training regularly includes issues relating to black and minority ethnic groups, disability and gender, it rarely includes Gypsy and Traveller issues. There is still some need for capacity building amongst members of Gypsy and Traveller communities for whom this is still a very new activity, and extending the necessary skills to more members. Examples of current awareness raising schemes include the work being carried out by the Derbyshire Gypsy Liaison Group which is providing training for Save the Children and for the Derbyshire Primary Care Trust to bring

about changes in the attitude to delivering race equality under the Mental Health Framework⁵⁹. Funding has also been provided for a training course, accredited by Derby University, on capacity building of Gypsy and Traveller groups to enable them to undertake diversity and cultural awareness training for public bodies such as the police, social services etc. It is recommended that:

31

Local public bodies should establish an inter-agency forum at a regional or sub-regional level, bringing together officers who work with Gypsies and Travellers from different organisations and departments to act as a support network, share best practice and coordinate service provision.

32

Police forces should appoint specific Gypsy and Traveller Liaison Officers and create open communication channels with Gypsies and Travellers to build trust and gain greater mutual understanding by creating opportunities for positive engagement outside of times of conflict, discussing issues and sharing experience.

33

All public bodies should include Gypsy and Traveller issues within all their programmes of diversity training and cultural awareness-raising for all front line service providers, including social services staff.

It is particularly important to involve farmers and other landowners alongside Gypsies and Travellers in policy development, especially where it relates to site provision. Historically, there have been many links between farmers and the travelling communities, with Gypsies and Travellers providing

59. Derbyshire Gypsy Liaison Group website, <http://www.dglg.org/> (accessed 16 July 2007)

seasonal labour that was integral to Britain's successful fruit, vegetable and hop industry. Agriculture has changed, however, with increased specialisation and mechanisation and the seasonal labour needs of the sector are now served largely by large groups of Eastern European workers. These changes have served to reduce the interaction between farmers and Gypsies and Travellers and former positive working relationships have largely disappeared. Often the only interaction that farmers now have with Gypsies and Travellers is on a negative basis, as it is associated with unauthorised encampments or criminality, whether real or perceived.

Farmers derive their living from the countryside and it has an economic, as well as amenity and landscape, value to them. Some of the key issues they face with respect to Gypsies and Travellers are clean-up costs for unauthorised encampments and lack of enforcement by the police of crimes such as stock worrying, machinery theft, fly-tipping and other criminality which can cause financial hardship for farmers. These crimes may or may not be carried out by Gypsies and Travellers, but in the absence of any conviction, are often blamed on the travelling community and in some cases have led to poor relations between farmers and Gypsies and Travellers. These types of issues need to be addressed if there is to be a real possibility of farmers and other landowners engaging fully with proposals such as considering renting land for the provision of Gypsy and Traveller sites.

In 1994, the National Farmers' Union opposed the abolition of the local authority obligation to provide sites, recognising that this would lead to the problems of increasing unauthorised

encampments and the associated clean-up costs currently being faced. It favoured the development of small, well-managed sites reflecting those that already coexisted in harmony with the farming community. Farmers and other landowners are beginning to consider whether they might see providing sites as a diversification opportunity, particularly in the more remote rural areas where farm incomes have dropped to a historically low level, as well as on the rural-urban fringe where access to services is much better. As well as involvement with policy, it would also be helpful if farmers and landowners were involved in local Traveller forums, to provide an opportunity for practical issues to be sorted out before they escalate to large-scale problems and for all parties to air their concerns or grievances.

Developing and supporting political will

Political courage is at the heart of tackling the broader issues of people's attitudes towards Gypsies and Travellers. Many public bodies have a race equality duty under the Race Relations Act 1976, as amended in 2000, to promote good relations between people of different racial groups, including Gypsies and Travellers⁶⁰. Local and parish councillors, headteachers and MPs, amongst others, have a particular responsibility for making sure that the way they represent or influence opinions does not exacerbate tensions between different groups. In a recent study, more than half of local authorities with public sites who responded, reported that they had done nothing to promote good race relations between Gypsies and Travellers and the wider community⁶¹.

60. Legal Advice, The Race Relations Act, <http://www.cre.gov.uk/legal/rra.html> (accessed 16 July 2007)

61. Common Ground: Equality, good race relations and sites for Gypsies and Travellers, Commission for Racial Equality, 2006

62. Provision of Transit Gypsy Site & Unauthorised Encampments Assessment, report to Neighbourhood and Housing Services Executive, December 2001 http://www.bristol.gov.uk/committee/2001/va/va005/1203_11.pdf (accessed 20 August 2007)



If underlying prejudice is to be addressed, it is important that the message around the need for Gypsy and Traveller accommodation should be communicated to wider settled communities and that the process of communication regarding the development of new sites should be started very early on, thereby helping to avoid the tensions that can lead to inflammatory reporting in the press. There is also a need to address people's fears and concerns. Capacity building for councillors to carry out this role is crucial, as they have large numbers of voters who may turn out in force to oppose applications for new Gypsy and Traveller sites and can find themselves in difficult and uncomfortable situations. It is important that councillors understand their obligations, are able to convince others and that there is cross party consensus on the issues, to prevent the provision of new sites becoming a political football.

One important means by which local councillors and communities can be convinced of the need to provide additional authorised sites is by looking at the costs involved, since the cost of providing sites is frequently cheaper than the cost of dealing with the enforcement of unauthorised sites. The savings made by providing new sites can then release funds for other services. For example, after a new transit site dramatically reduced enforcement costs, Bristol City Council's Leisure Services Department was able to reallocate a £40,000 per year budget in their department alone, to spend on other projects such as local parks and open spaces; total savings across the council were many times that sum. Prior to provision of the site the council was receiving around one thousand complaints per year from residents about unauthorised Gypsy and Traveller encampments (1,036 in 1996); in the years after the site was developed this fell by over 95 per cent (45 complaints in 2001)⁶².

As well as indicating many fewer residents experiencing unauthorised encampments that they are unhappy with, it also represents a considerable reduction in the staff time needed to deal with the complaints, allowing council officers to work proactively on issues such as community cohesion.

It is vital that local authority officers and councillors receive support and information about effective community engagement processes, and that every site allocation process has a communication strategy to ensure that officers and councillors do not go 'unprotected' into public meetings about allocation of new sites, since these can become highly contentious and need to be conducted in a constructive manner. The Leadership Academy for Elected Members of the Improvement and Development Agency (IDeA) is one avenue providing support to councillors⁶³, and could take a leading role in enabling them to understand how they can influence the process, what information is available to them and how to improve their understanding of the issues, so that they are able to approach issues relating to Gypsies and Travellers in an informed way. It is therefore recommended that:

34

IDeA should initiate training, education and awareness-raising for councillors, including information on engagement with settled communities on the issues, especially site location. This should include creating a 'Councillors' Toolkit' to help inform elected members about Gypsy and Traveller issues.

Strong leadership from local, parish and community councillors and at local officer level has been shown to be vital if there are to be better relations and understanding between the settled and travelling communities. As highlighted earlier, Fenland District Council is a pioneering authority in this work and local councillors champion the cause of Gypsies and Travellers, challenging misinformation and ignorance wherever it is found, both within the council and externally. The proactive approach used to improve the position regarding unauthorised encampments, coupled with the provision of additional sites, has reduced court actions and clear up costs, thus helping to address some of the most consistent sources of complaint and bringing forward a number of positive images that can be shared.

Identifying and sharing good practice is important and the key elements set out below show how Fenland District Council has embraced Gypsy and Traveller issues to the benefits of the whole community. In brief, the key to success here has been:

- Providing well-run, well-designed sites, thereby reducing the number of unauthorised encampments which are major focal points for tension.
- Liaising with travelling communities over planning proposals to reduce the number of unauthorised developments.
- Building positive media images with sharing of good practice stories.
- Providing cultural awareness training for councillors, led by Gypsies and Travellers (which 90 per cent of councillors attend).

63. Another is the Regional Assemblies; Jo Richardson's forthcoming report, *Providing Gypsy and Traveller Sites: contentious spaces*, will recommend Regional Assemblies as another potential source of leadership in the creation of toolkits for elected members on this issue.

- Providing information in a variety of formats, including tapes and CDs.
- Encouraging the reporting of hate crime and addressing it in the same way as any other such practice.

It is recommended that:

35

IDeA should disseminate good local authority practice in relation to Gypsies and Travellers and establish a website with information and examples of good practice.

It is also important that dedicated advisory officers should be employed in all local authorities. There is a need for sensitivity in appointing the right people into those posts, particularly if they are handling enforcement and eviction procedures, as well as an advisory role, in order that they have the ability to build and maintain trust with the travelling communities. Where there is not justification for making this a full time role due to low numbers of Gypsies and Travellers within the area, this could be part of another post, but ideally it would be fulfilled by a different person from the enforcement role. It is therefore recommended that:

36

Local authorities should ensure there is a Gypsy and Traveller Advisory Officer in every authority who is well trained and capable of building and maintaining positive relationships with the community, not just an enforcer.

Improving understanding through mediation

Mediation between individuals and communities in conflict is a well-recognised means of improving situations where tensions abound. Such methods are now beginning to be used to promote improved understanding both within the Gypsy and Traveller community and with the settled community.

Pavee Point is one such example in Ireland (pavee being a word Irish Travellers use to describe themselves), where there has been a long history of engagement with the Traveller community. It is a partnership of Travellers and settled people working together to address the social and economic exclusion that Travellers experience. Pavee Point works in a variety of ways to develop understanding and responses to a wide range of issues facing Travellers. Its mediation service was established in 1999, in response to a government study on the travelling community⁶⁴. The mediation service aims to support better relationships between the travelling and settled communities, as well as within the Traveller community itself, through a series of conflict transformation initiatives.

Mediation is a specific approach that facilitates and empowers people to resolve their own conflicts; it encourages members of the Traveller and settled communities to develop creative responses to conflict and to find new ways of living with cultural differences. The Pavee Point mediation service seeks to create an ability and willingness to handle conflict situations in a way that creates positive outcomes for all concerned, with a mediator creating the opportunity for people to listen to each other when the normal lines of communication have broken down.

64. Report of the Taskforce on the Travelling Community, Department for Equality and Law Reform, Ireland, 1995

Mediators help the people in conflict to make it clear what their problems are, identify their needs, explore possible solutions and work out an agreement that suits everyone. Participation in a mediation process is voluntary. It encourages mutual respect and can help sort out disputes confidentially before they escalate towards court cases or criminal offences. The parties, not the mediators, decide what to put into their agreement. Even if agreement is not reached, mediation can be a first step towards transforming and ultimately resolving conflict. Where agreements are reached, they are more likely to last when worked out jointly by all those involved in the conflict. Typical issues that arise in disputes between Travellers and the settled community and within the travelling community include the allocation, management and maintenance of local authority sites and housing, unauthorised encampments, discrimination in service delivery, anti-social behaviour, illegal dumping, policing and conflict within the Traveller community.

A recent example of mediation by Pavee Point was between a local authority and council estate residents when the local authority withdrew all maintenance services from the area based on the actions of a few young men. The mediation service brought together most of the key parties (including the local authority, Travellers living on the estate, the police and the Health Board) and helped the parties to work through the problems and draw up a number of agreements, including a framework for the resumption of maintenance services.

Subsequent evaluation of the mediation work on the housing estate has shown that it created benefits much wider than the original issue of maintenance, including the formation of a residents' committee, a framework for improved communication, a reduction in the number of police interventions required on the estate and a general increase in 'positive energy' amongst residents.

The Churches Action Network for Gypsies and Travellers (which involves Catholic and Church of England clergy and Gypsies and Travellers) is another example of mediation, which emerged from the reconciliation work relating to a large series of unauthorised developments at Cottenham in Cambridgeshire. This network seeks to support and train faith leaders in mediating between Gypsies and Travellers and other agencies when conflicts arise, aiming to improve understanding between the settled and travelling communities and to help build the capacity of those involved to resolve conflict issues on their own in the future. It is recommended that:

37

Mediation services, who are used to dealing with conflict between different parties should, with appropriate training, offer their services when conflict arises between or within communities to help resolve the conflict.

Recognising rights

Gypsies and Travellers have the same rights that all British citizens are entitled to, including the right to access services such as health, housing, education, welfare and criminal justice.

Under the Race Relations Act 1976, as amended in 2000, it is unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin, including Romany Gypsies and Irish Travellers. The Act generally applies to the fields of employment, planning, housing and the exercise of public functions. It also applies to the provision of goods, facilities and services, and to education. Different forms of discrimination are identified in the Act including direct discrimination (for example, if a shop refuses to serve a Gypsy or Traveller), indirect discrimination (for example, if a doctor refuses to let a Gypsy or Traveller become a patient because he has no fixed address) and harassment (for example, being verbally abused, attacked or made to feel uncomfortable).

The rights of Gypsies and Travellers under Article 8 of the European Convention on Human Rights (respect for an individual's private and family life, home and traditional way of life) were clarified in the *Chapman v United Kingdom* case in 2001⁶⁵, which indicated that Gypsies and Travellers have a

right not just to respect for their home, but also for their traditional way of life, which is deemed to include the ability to live in caravans. It stated that the United Kingdom, along with all other European states, has a positive duty to facilitate the Gypsy way of life.

This positive duty should permeate all policy-making, whether by national or local government, and all decision-making, for example by planning authorities in their decision to grant planning permission or undertake enforcement action. It is not, however, a right to a home, just a right to respect one's home once it is established.

Article 14 of the European Convention on Human Rights, which stipulates that the rights and freedoms set out in the Convention should be enjoyed without discrimination on any ground including, inter alia, race, colour, language, national or social origin or association with a national minority includes all Gypsies and Travellers. This Article only comes to be considered if and when one of the other Articles is shown to be breached. There have been very few cases that have tested this right in respect of Gypsies and Travellers.

65. *Chapman vs. United Kingdom* (2001), 33 EHRR 399



Under the Race Relations Act 1976, as amended in 2000, public bodies are required to⁶⁶:

- promote good relations between people of different racial groups;
- eliminate unlawful discrimination;
- promote equality of opportunity.

The previous chapter in this report addressed the first of these issues relating to promoting good relations between the travelling and settled communities. The remainder of this chapter addresses issues raised and recommendations from the Consultation relating to tackling racism and discrimination and promoting equality of opportunity.

Tackling racism and discrimination

A significant aspect of the social exclusion endured by Gypsies and Travellers is the fact that although they have been recognised in law as racial groups, their corresponding rights are often not respected. This denial takes many forms and operates on a day-to-day basis for many Gypsy and Traveller families: they are frequently perceived by service providers, the public and politicians as being social ‘drop-outs’ or living within ‘deviant sub-cultures’ that actively reject the settled community’s norms⁶⁷. Discrimination against Gypsies and Travellers has been described as the last ‘respectable’ form of racism⁶⁸ and the Commission for Racial Equality (CRE) has only recently campaigned against the continuing use of ‘No Travellers’ signs in pubs and shops⁶⁹.

66. <http://www.cre.gov.uk/legal/rra.html>, (accessed 13 July 2007)

67. Theorising Sedentarism: the roots of anti-nomadism, R McVeigh, in T Acton (ed), *Gypsy Politics and Traveller Identity*, University of Hertfordshire Press, 1997, pp7–25

68. By Sarah Spencer, Deputy Chair of the CRE, amongst others <http://www.cre.gov.uk/Default.aspx.LoCID-0hgnew01c.RefLoCID-0hg00900c001002.Lang-EN.htm>.

69. CRE to remove all ‘No Gypsies and Travellers’ signs from Wales by May 2006, <http://www.cre.gov.uk/Default.aspx.LoCID-0hgnew01h.RefLoCID-0hg00900c001002.Lang-EN.htm> (accessed 18 July 2007)

Gypsies and Travellers seem to be vilified by sections of the media and the general public, as well as facing racist abuse and violence.

The CRE has taken actions that attempt to defend the rights of Gypsies and Travellers⁷⁰, and whilst there can be debate over the degree to which it has prioritised Gypsies and Travellers there can be no doubt that it has engaged to some extent, including appointing a Commissioner who is a Romany Gypsy. However, from October 2007, the Commission for Equality and Human Rights (CEHR) will be established as a new Non-Departmental Public Body, which will bring together the work of the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission. While some believe the CRE should be increasing its attention on Gypsy and Traveller issues, there are wider concerns as to whether the new, larger body will continue to interact with Gypsies and Travellers at all. It is recommended that:

38

CEHR should provide clear information on how it will interact and engage with Gypsies and Travellers and how it will seek seriously to address issues encountered.

Gypsies and Travellers have a right to full legal protection from discrimination. These rights are well-established and most public bodies are highly experienced at carrying out equal opportunity exercises, such as producing Race Equality Schemes (RESs) and conducting Race Equality Impact

Assessments (REIAs) of new policies, but they often fail to include Gypsies and Travellers within these. In 2006 the CRE found that only 28.6 per cent of local authorities mentioned Gypsies and Travellers within their RESs, despite over 90 per cent reporting that Gypsies and Travellers lived in or passed through their area⁷¹. It is therefore recommended that:

39

CEHR should monitor public bodies and their regulators (e.g. Audit Commission, HM Police Inspectorate, Ofsted, Planning Inspectorate and the Healthcare Commission) to ensure that they play their part in ensuring the fair treatment of Gypsies and Travellers, are aware of their responsibilities and have procedures and policies in place to ensure that their responsibilities are exercised.

40

CEHR should strongly remind all public bodies about their obligations with respect to discrimination (e.g. duty to encourage positive race relations and schools' duty to encourage and enable all children to be able to participate as active members of society).

41

CEHR should ensure that all current and future government policies, practices and decisions are assessed rigorously over the impact they have or will have on Gypsies and Travellers.

70. For example bringing the landmark case CRE v Dutton (1989) which established Gypsies as a racial group for the purpose of the Race Relations Act 1976, and commissioning the Common Ground inquiry.

71. Common Ground: Good race relations and sites for Gypsies and Irish Travellers, section 3.2.2, Commission for Racial Equality, 2005

42

CEHR should audit all Public Bodies' Race Equality Schemes (or work with other relevant regulators such as Ofsted and the Audit Commission) to ensure they exist and contain a real commitment to tackling Gypsy and Traveller issues. Every step should be taken to ensure that organisations are genuinely committed to their Schemes and that they are embedded within the ethos of the organisation.

The police have an important role to play in maintaining good relations between travelling and settled communities. If discrimination and hate crime are to be addressed, it is important that Gypsies and Travellers feel able to report a hate crime⁷² and know how to do so, for example through community policing or third party reporting⁷³. It is important that Gypsies and Travellers have confidence that any allegations they make will be treated swiftly and thoroughly. For many Gypsies and Travellers, however, it is often easier to move on, rather than make a complaint and risk causing further trouble. Relations between Gypsies and Travellers and the police have not always been positive, due to their frequent involvement in enforcement actions.

Some good practice is now emerging in work addressing hate crime associated with Gypsies and Travellers: for example, Derbyshire Police runs a successful Pride not Prejudice group made up of Gypsies and Travellers, the police, community groups and others working to improve relations between the travelling and settled community. Fenland District Council has pioneered its Open

Out Scheme for reporting hate crime and works with the Cambridgeshire Police to distribute an audio CD entitled 'Del Gavvers Pukker Cheerus', a Romany phrase meaning 'give the police a chance', which encourages Gypsies and Travellers to report hate crime.

However, even when incidents have been reported where Gypsies and Travellers appear to have been the target of racial hatred or victims of racially motivated violence, it is difficult to obtain a prosecution. For example, in 2003 a caravan with the number plate 'P1 KEY' and bearing effigies of a Gypsy family was burnt by a bonfire society in Sussex; the incident was investigated for inciting racial hatred but the Crown Prosecution Service did not prosecute anyone involved⁷⁴. It is recommended that:

43

CEHR should provide training/awareness-raising aimed at Gypsies and Travellers on their rights and how to challenge inequality when they encounter it.

44

The police should react to racially motivated crimes committed against members of Gypsy and Traveller communities as hate crimes, record them as such, and ensure that the ethnicity of the victim is recorded as Romany Gypsy or Irish Traveller accordingly.

Politicians have an important role to play in setting the tone of national debate over Gypsy and Traveller issues. If important figures in major political parties create scapegoats of Gypsies and/or Travellers, or try to score political points by appearing to be 'tough on Travellers' it sends a

72. A hate crime is defined by the Home Office as "any incident, which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate", and includes crimes motivated by hatred of someone because of their ethnic origin.

73. Hate Crime: delivering a quality service, Association of Chief Police Officers Race and Diversity Working Group and the Home Office Police Standards, 2005, page 21.

74. 'No evidence' in effigy race case. http://news.bbc.co.uk/1/hi/england/southern_counties/3873661.stm (accessed 13 July 2007)

message to members of the settled community that continued racism against Gypsies and Travellers is acceptable, and sends a message to Gypsies and Travellers that their involvement in the public life of the nation is not welcome, potentially reinforcing barriers to their accessing public services. It is therefore recommended that:

45

Major national political parties should formally commit to continuing to address the issues affecting Gypsies and Travellers, working across party boundaries to achieve consensus and disseminating information to their local constituency parties.

Gypsies and Travellers have been victims of discrimination by the state to varying degrees for centuries. Henry VIII's Proclamation of 1530 made it a crime to simply be a Gypsy, punishable by banishment; by 1554 the punishment for the offence of being a Gypsy or living a nomadic life was the death penalty, which remained on the statute books for over two centuries⁷⁵.

As late as 1959, the Highways' Act created an offence that could only be committed by Gypsies or Travellers, which caused the courts to perform some mental gymnastics, redefining 'gipsy' to refer to one's lifestyle rather than ethnicity to avoid the appearance of parliament having passed an explicitly discriminatory law. If the state were to acknowledge this history of official discrimination it would send a powerful message that discrimination against Gypsies and Travellers is an unpleasant chapter in the nation's history, and that it is no longer tolerated. It is therefore recommended that:

46

Consideration should be given to issuing a Crown Apology for centuries of official racism and discrimination against Gypsies and Travellers.

Promoting equality of opportunity

Gypsies and Travellers have an equal right to access services provided by the state as any other member of the population, yet they often face barriers to access, including low levels of literacy, the nomadic lifestyle and an unwillingness to engage, founded on mistrust. Service providers need to take into account those barriers and consider how their services can be improved to overcome the barriers.

Literacy and access to education: Poor levels of literacy can act as a barrier to accessing many types of service. A lack of formal education and illiteracy is common, particularly amongst adult Gypsies and Travellers⁷⁶ and service providers should be aware that this will be an issue for some, although certainly not all, Gypsies and Travellers. Service providers routinely translate information into ethnic minority languages and, in a similar way, materials should be provided for a population at severe educational disadvantage with poor levels of literacy, for example in the form of audio tapes or audio CDs⁷⁷.

47

Local authorities, health authorities and other relevant public bodies should provide information on their services in alternative formats where difficulties may be encountered due to poor literacy.

75. Gypsy and Traveller Law, C. Johnson and M. Willers (Eds), Legal Action Group, 2004

76. The Health Status of Gypsies and Travellers in England, Parry, G. et al for Department of Health, University of Sheffield, 2004

77. Ibid.

One way in which all publicly funded bodies are required to ensure that their services are equally accessible to all is through the Equality Impact Assessments (EIAs) that they complete when they change a policy or practice. These apply to all new policies, as well as existing policies when these come up for renewal every three years. These EIAs are designed to assess whether the proposed changes have any discriminatory impacts, including on members of individual ethnic groups. Consequently, the needs of Gypsies and Travellers should be considered under this, and there are certainly examples of good practice where the local authority's EIA form explicitly lists Gypsies and Travellers as amongst the groups that the person completing it needs to consider. It is therefore recommended that:

48

Local authorities should ensure that their Equality Impact Assessment processes are robust and that Gypsies and Travellers are actively considered within them.

Gypsy and Traveller children have a low rate of attendance at school, particularly secondary school, for a number of reasons, including fear of cultural erosion, a perceived lack of relevance within the secondary school curriculum and the fear of racist and other bullying; the practicalities of a nomadic lifestyle are not seen as significant causal factors for most families⁷⁸.

Many Gypsy and Traveller children do not achieve good results in formal schooling. In fact, they have the lowest levels of achievement at GCSE of any ethnic group⁷⁹. In 2005, 15 per cent of

Gypsy/Roma pupils and 23 per cent of Irish Traveller pupils achieved five or more GCSEs at grades A* to C compared to 55 per cent of all pupils⁸⁰.

There are many factors contributing to these figures, but they are so stark that Gypsy and Traveller access to schooling warrants particular government attention.

Another area of support that Gypsy and Traveller families could benefit from is the Sure Start programme, which aims to provide support in relation to the early education and health of children in deprived areas. Its work could be adapted to be of benefit to Gypsies and Travellers in both of these areas. It is therefore recommended that:

49

The Department for Children, Schools and Families (DCSF) should ensure that the needs of Gypsy and Traveller children are championed in relation to all new and existing policies and are fully considered in every aspect of the Every Child Matters agenda.

50

Local authorities should ensure that Sure Start programmes are accessible to those living on sites, placing a scheme on the site where appropriate.

Specialist Traveller Education Services (TES) are provided by most Local Education Authorities (LEAs). TES staff work to support schools, governing bodies and other agencies to promote educational approaches, which are positively inclusive of Gypsy and Traveller experiences and lifestyle⁸¹.

78. The situation regarding the current policy, provision and practice in Elective Home Education for Gypsy, Roma and Traveller Children. Arthur Ivatts for DfES. <http://www.dfes.gov.uk/research/data/uploadfiles/RW77.pdf> (accessed 18 July 2007)

79. Ethnicity and Education: The evidence on minority ethnic pupils aged 5–16, 2006 Edition (Figure 28), Department for Education and Science, 2006

80. Ibid.

81. Aiming High: Raising the achievement of Gypsy Traveller pupils, Department for Education and Science, 2003

Their support includes:

- Providing practical advice and support to schools and mainstream Education Welfare Officers to establish good communications with families.
- Explaining to parents the importance of regular attendance to their child's progress at school.
- Supporting outreach work to build up successful relationships with Gypsy and Traveller families and communities.
- Assisting schools with baseline assessment for older pupils.
- Providing curriculum advice and materials.
- Transferring of educational information between LEAs⁸².

National TES policy is to prioritise highly mobile pupils⁸³. Prior to 2003, TES funding was ring-fenced in a specific Traveller Achievement Grant. This has subsequently been absorbed into the new Children's Services Grant⁸⁴, whilst the Ethnic Minority Achievement Grant was maintained as a standalone grant⁸⁵. Incorporating TES funding within the Children's Services Grant leaves the possibility open for their funding to be cut as LEAs prioritise other areas. It is therefore recommended that:

51

DCSF should reintroduce ring-fencing of money for Traveller Education Schemes, either as a ring-fenced component within the Children's Services Grant or by returning it to the status of a standalone grant.

The Office for Standards in Education, Children's Services and Skills (Ofsted) has highlighted as good practice the use of a broader approach to educational provision for Gypsy and Traveller pupils who become disaffected by the mainstream curriculum, citing an example of a school that involved a local agricultural college in providing courses in blacksmithing, farrier work and game-keeping. The school was regarded by Traveller families as one which took seriously the meeting of the particular needs and preferences of their children⁸⁶. Innovative programmes of education could seek to appeal to Gypsies and Travellers by including elements of vocational learning, and traditional 'way of life' experience alongside 'academic' learning, for example by including two days a week in school, two days in college, one day at home. These options must be provided in addition to traditional educational routes: Gypsy and Traveller children should have the same range of options as children from any other background to participate in academic learning if they wish. It is recommended that:

52

DCSF should develop innovative programmes featuring elements of vocational training and/or 'way of life' experience to help keep those school-aged Gypsy and Traveller children who are unlikely to stay in traditional education in formal education.

Issues of access to education and literacy can affect adult Gypsies and Travellers as well as children, so it is important that adult education opportunities should be accessible in the same way that they are for the settled population.

82. Aiming High: Raising the achievement of Gypsy Traveller pupils, Department for Education and Science, 2003

83. Ibid.

84. Evaluation of the Vulnerable Children Grant, Kendall et al, National Foundation for Educational Research for DfES, 2004

85. Vulnerable Children's Grant Survey, National Union of Teachers, 2004

86. Provision and Support for Traveller Pupils, Office for Standards in Education, 2003

It is therefore recommended that:

53

The Department for Innovation, Universities and Skills (DIUS) should ensure that adult education programmes, including those that address literacy issues, are accessible to Gypsies and Travellers.

Access to welfare benefits: Some elements of the state benefits system are difficult or impossible for people with a nomadic lifestyle to access, where a settled person in an equivalent situation would be entitled and able to claim. Housing benefit is based on being at a particular address and some other work-based and employment benefits are based on being available for work in a certain place. The Tax Credit system may provide examples of better practice that could be copied in the benefits system. It is therefore recommended that:

54

The Department for Work and Pensions (DWP) should review all benefits to assess equality of access, and whether they are compatible with a travelling way of life, taking appropriate steps to reform any that are found to be difficult or impossible to access for those who travel.

Access to police and social services

departments: Another important barrier to Gypsies and Travellers accessing services can be an unwillingness for them to interact with particular services. The police and social services have been particularly noted as often being mistrusted by members of Gypsy and Traveller communities⁸⁷.

The lack of trust felt by some Gypsies and Travellers towards officials such as the police and social services can be due to poor treatment they have received or witnessed in the past, or due to a perception that officials act only for the settled community. In particular, for many Gypsies and Travellers their most common experience of the police will be in relation to enforcement action, helping to remove them from an unauthorised site, and there will be fears that an intervention from social services inevitably leads to children being taken away. It is recommended that:

55

Local Gypsy and Traveller groups with local authority Gypsy and Traveller Advisory Officers should develop and provide training/awareness-raising aimed at Gypsies and Travellers on the roles of police and social services departments and support Gypsies and Travellers to interact effectively with authority figures.

The recommendation above should be read in conjunction with the earlier recommendation on providing better training on the issues facing Gypsies and Travellers to front line staff such as social services staff, to ensure that services are matched to those that need them.

Access to healthcare services: Results of a detailed report for the Department of Health in 2004 showed that Gypsies and Travellers have significantly poorer health status and significantly more self-reported symptoms of ill-health than other UK resident, English-speaking ethnic minorities and economically disadvantaged white UK residents⁸⁸.

87. Encouraging a new approach to the community: is your mind open? http://www.met.police.uk/job/job952/live_files/8.htm (accessed 17 July 2007)

88. The Health Status of Gypsies and Travellers in England, Parry, G. et al for Department of Health, University of Sheffield, 2004

The report established that the scale of health inequality between the study population and the UK general population was large, with reported health problems between two and five times as prevalent. It concluded that there is now little doubt that health inequality between the observed Gypsy and Traveller population in England and their settled counterparts is striking, even when compared with other socially deprived or excluded groups and with other ethnic minorities.

Access to employment: The lack of engagement of Gypsies and Travellers with formal schooling, and consequent low levels of formal qualifications is not new, and many college-aged and working-aged members of the communities do not have formal qualifications, potentially posing a barrier to participation in some forms of employment. Many, however, have gained experience and informal on-the-job training that could provide a solid base if properly recognised. It is therefore recommended that:

56

DIUS should work to enable the accreditation and recognition of skills gained by Gypsies and Travellers from their work.

For those Gypsies and Travellers seeking to extend their skills, programmes of training that take into account a nomadic lifestyle would be valuable. Programmes should be designed to fit with the part of the year when families are more likely to be stationary (approximately October to April), and

should include elements that are designed to appeal to Gypsy and Traveller aspirations and cultures of self-employment, leading to work that is compatible with a nomadic lifestyle such as construction or hairdressing. It is therefore recommended that:

57

DIUS should develop a programme of training courses aimed at Gypsies and Travellers of college age and above, designed to align with their needs and lifestyle.

An example of a nationwide programme funded by the European Social Fund to improve access to employment is the **Acceder Programme**, which is run by the Spanish non-profit social organisation Fundación Secretariado Gitano to meet the needs of the estimated 650,000 members of the Roma population of Spain.

Many traditional Roma professions are handed down from father to son, but are now in recession or not relevant to the present day. Seventy per cent of Roma in Spain leave education early and many are illiterate; there is a perception that Roma are discriminated against in both training and employment. Consequently, there are high levels of unemployment and informal employment, and many of those who are in work are in precarious non-protected and non-regulated jobs. Very few Roma are now itinerant, as a result of the government policy of proactively encouraging settlement from the 1960s onwards⁸⁹.

89. The Situation of Roma in Spain, Open Society Institute, 2002



The Acceder Programme has been operating since 2000 and has 46 employment offices across Spain. Its aim is to enable the Roma population to access mainstream training and employment on equal terms to the general population and has three main areas of work:

- Providing Roma with professional qualifications and access to the labour market.
- Raising awareness regarding prejudice and discrimination affecting Roma.
- Fostering policies that actively focus on the Roma community.

In each of Acceder's 46 employment offices, there are five members of staff who provide information on training opportunities, search for job offers, establish partnerships with companies to promote cooperation and follow up once people are in the workplace.

More than 34,000 Roma have accessed Acceder's services and more than 24,000 labour contracts have been established. Other achievements of the programme include 5,000 Roma accessing training, high voluntary participation and an equal gender balance using the programme. There has been a change of mentality in Roma beneficiaries, administrations, employers and society as a whole and Roma are increasingly able to access mainstream services.

Recommendations for action

This report has summarised the discussions and deliberations of the three-day Consultation into a set of recommendations that identify the key actions to be taken if Gypsies and Travellers are to have appropriate accommodation to support their traditional way of life and to live within more welcoming communities.

Those at the Consultation recognised and supported the government's current policy direction to deliver an increased number of sites and the recommendations are set out in some detail to further support and enhance this direction. The following key areas for action were identified as a result of the Consultation and are summarised below.

Providing authorised sites to meet urgent interim needs until the new policy framework has delivered the additional permanent sites necessary to meet needs is crucial. The preliminary process of collecting information through Gypsy and Traveller Accommodation Assessments will not realistically be completed before March 2008 and this will then be followed by the process of identifying possible sites and obtaining the necessary planning permission. It is likely that these decisions will be contested by local communities, with additional delays as planning appeals procedures are gone through. It is therefore likely to be at least five, if not ten, years before there is a significant increase

in the supply of sites. During this time another generation of children will have spent half their childhood being forced to move on constantly from one unauthorised site to another or will have been forced into 'bricks and mortar'.

The Consultation recognised that urgent action is needed in the interim to address current need and sets out a variety of ways by which this can be done, including encouraging farmers and other landowners to rent land for sites by reducing the associated risks and highlighting the income generation opportunities; by granting temporary planning permissions for short-term summertime use and by providing accreditation for Gypsy and Traveller groups, similar to that provided to members of the Caravan Club.

Addressing the lack of political will across all levels of the political spectrum to tackle the widespread discrimination against Gypsies and Travellers was recognised as key to the speedy provision of sites. It was recognised that this would not be easy or uncontentious, but is crucial if any real change is to be achieved. A range of ways were identified in which elected representatives could be helped to understand their obligations and examples of good practice were identified where widespread political commitment had brought about significant change.

It was recognised that strong leadership from parish and local district councillors and local authority officers is essential if there are to be better relations between the settled and travelling communities, but that support and information would be needed to help challenge misunderstanding and ignorance, both within local authorities and with the electorate.

Integrating Gypsy and Traveller rights and needs into existing policies and mainstream services was recognised as essential if these are to be recognised and institutionalised in the same way that the needs of other marginalised groups have been in the last twenty years. There are now many systems developed to do this under a range of equality and diversity legislation, including Race Equality Schemes and Race Equality Impact Assessments. These should always include Gypsies and Travellers, who as legally recognised ethnic groups, have an identical right to protection. Monitoring of the extent to which this is happening could be carried out by the newly formed Commission for Equality and Human Rights as well as the Audit Commission.

Underlying many of the above actions is the **need to obtain accurate and wide-ranging information**. Not only will this help to inform policy by identifying exactly where and how many Gypsies and Travellers are living in Britain, but also will identify their needs and aspirations. Detailed information could be obtained on the state of their health and education achievements and gathering of information relating to Gypsy and Traveller ethnic status by the criminal justice system would enable greater clarity as to the extent to which they are involved in criminal activity or experience hate crime.

It is only when there is firm evidence in relation to these issues, that the unsupported assertions of the national and local media can be challenged. A range of information gathering options are identified, including the provision of Romany Gypsies and Irish Travellers as categories within the 2011 Census. The Gypsy and Traveller Accommodation Assessments already being carried out will hopefully identify key information to further inform government policy. It was also felt to be important to highlight examples of good practice already in place and emerging to encourage and inspire others.

If the availability and choice of accommodation is to be improved, it was considered important **to recognise the opportunities provided by working in partnership** with Gypsy and Traveller communities, as well as social housing providers and landowners. There are a range of opportunities for the various stakeholders to work together to improve the current situation and a series of these were identified at the Consultation. These include local authorities providing support to Gypsies and Travellers with the planning process to help them develop private sites, Gypsy and Traveller groups working with public bodies to provide equality and diversity training, encouraging farmers and other landowners to rent land for Gypsy and Traveller sites by reducing risk and improving guarantees as well as highlighting the opportunities available for income generation and business diversification.

The detailed recommendations to support these broad areas of action are set out below and are categorised according to the groups or organisations at whom the suggested action is directed.

Central government: Communities and Local Government (CLG)

- 2 CLG should bring together different stakeholders who might be able to participate in the provision of permanent private rented sites, including farmers and other landowners, in order to develop suitable private sector options.
- 5 CLG should stipulate that a proportion of the Housing and Planning Delivery Grant (HPDG) can only be drawn down if a local authority achieves adequate delivery of Gypsy and Traveller accommodation.
- 6 CLG should consider using further tools to ensure that recalcitrant local authorities meet their obligations if the new framework is unable to deliver sites as anticipated; suitable tools might include limiting authorities' Comprehensive Performance Audit (CPA) star ratings, requiring targeted inspection by the Audit Commission, top-slicing funding from the revenue support grant (RSG) to pay for direct provision, and/or reintroducing and enforcing an obligation to provide sites.
- 7 CLG should use powers to direct local planning authorities to produce a Development Plan Document where progress towards provision of sites is not being made in a timely manner.
- 9 CLG should require local authorities to ensure that there is no net decline in existing sites by requiring that alternative provision is made as a condition of approving any planning applications that would remove a site or change its use away from Gypsy and Traveller accommodation.
- 12 CLG should ensure that a range of tenures are available to Gypsies and Travellers living on sites, and that these provide broadly the same rights and security of tenure as those available to people living in bricks and mortar accommodation.
- 13 CLG should encourage local authorities to grant temporary planning permission on some sites for the next five years or so, until the new policy framework is able to deliver additional permanent sites, and develop guidance on interim site selection and the use of time-limited planning permissions.
- 14 CLG should reduce the perceived risk for landowners in renting land to Gypsies and Travellers by developing a financial guarantee scheme possibly based on the Frankham Bond, the Rent Deposit Guarantee Scheme or similar.
- 17 CLG should develop a voluntary membership scheme for Gypsies and Travellers, comparable to Tenant Accreditation Schemes.
- 18 CLG should amend Schedule One of the Caravans and Control of Development Act 1960 to allow recognised Gypsy and Traveller groups to become 'exempted organisations' within the meaning of the Act, allowing them to issue certificates for land in the same way the Caravan Club can.



Other central government departments

- 20 The Office for National Statistics should include Romany Gypsies and Irish Travellers as separate categories in the 2011 Census.
- 27 The Department for Children, Schools and Families (DCSF) should include Gypsy and Traveller issues within diversity/citizenship education in the school curriculum.
- 49 DCSF should ensure that the needs of Gypsy and Traveller children are championed in relation to all new and existing policies and are fully considered in every aspect of the Every Child Matters agenda.
- 51 DCSF should reintroduce ring-fencing of money for Traveller Education Schemes, either as a ring-fenced component within the Children's Services Grant or by returning it to the status of a standalone grant.
- 52 DCSF should develop innovative programmes featuring elements of vocational training and/or 'way of life' experience to help keep those school-aged Gypsy and Traveller children who are unlikely to stay in traditional education in formal education.
- 53 The Department for Innovation, Universities and Skills (DIUS) should ensure that adult education programmes, including those that address literacy issues, are accessible to Gypsies and Travellers.

- 54 The Department for Work and Pensions (DWP) should review all benefits to assess equality of access, and whether they are compatible with a travelling way of life, taking appropriate steps to reform any that are found to be difficult or impossible to access for those who travel.
- 56 DIUS should work to enable the accreditation and recognition of skills gained by Gypsies and Travellers from their work.
- 57 DIUS should develop a programme of training courses aimed at Gypsies and Travellers of college age and above, designed to align with their needs and lifestyle.

Commission for Equality and Human Rights (CEHR)

- 10 CEHR should monitor migration of ethnic Roma from Europe on an ongoing basis, assessing any impact this may have on demand for Gypsy and Traveller accommodation.
- 21 CEHR should provide firm guidance to all public bodies that they should include Romany Gypsies and Irish Travellers as categories within all exercises where racial/ethnic data is gathered or monitored.
- 23 CEHR and the Department for Culture, Media and Sport should create a clear strategy to monitor negative media coverage of Gypsy and Traveller issues and where necessary take appropriate action against coverage that incites racial hatred, supporting this with a training document on Gypsy and Traveller issues for those working in the media.

- 38 CEHR should provide clear information on how it will interact and engage with Gypsies and Travellers and how it will seek seriously to address issues encountered.
- 39 CEHR should monitor public bodies and their regulators (e.g. Audit Commission, HM Police Inspectorate, Ofsted, Planning Inspectorate and the Healthcare Commission) to ensure that they play their part in ensuring the fair treatment of Gypsies and Travellers, are aware of their responsibilities and have procedures and policies in place to ensure that their responsibilities are exercised.
- 40 CEHR should strongly remind all public bodies about their obligations with respect to discrimination (e.g. duty to encourage positive race relations and schools' duty to encourage and enable all children to be able to participate as active members of society).
- 41 CEHR should ensure that all current and future government policies, practices and decisions are assessed rigorously over the impact they have or will have on Gypsies and Travellers.
- 42 CEHR should audit all Public Bodies' Race Equality Schemes (or work with other relevant regulators such as Ofsted and the Audit Commission) to ensure they exist and contain a real commitment to tackling Gypsy and Traveller issues. Every step should be taken to ensure that organisations are genuinely committed to their Schemes and that they are embedded within the ethos of the organisation.

- 43 CEHR should provide training/awareness-raising aimed at Gypsies and Travellers on their rights and how to challenge inequality when they encounter it.

Local government

- 1 Local authorities should use Section 106 agreements to provide land or financial resources for Gypsy and Traveller sites in the same way as they are used to provide additional social housing. The Improvement and Development Agency for local government (IDeA), Local Government Association (LGA) and CLG should support this by disseminating good practice case studies as they become available.
- 3 Local authorities should ensure that the planning process addresses the wider sustainability of sites in the same way it would for bricks and mortar accommodation, addressing factors such as travel to work, access to services and public transport, amongst others, and does not cause sites to be developed in areas which would not be acceptable for bricks and mortar accommodation due to environmental and health risks.
- 4 Local authorities should involve Gypsies and Travellers early on in consultations of potential locations for sites.
- 11 Local authorities should assist Gypsies and Travellers in the planning process by providing guidance from the early stage of site selection, through to providing assistance with the submission of planning applications.
- 15 Local authorities should consider alternative means of obtaining land for temporary use as a site, such as renting farmland from farmers. They could consider operating these in the summer months only, to ease the greater shortage at this time of the year, if they feel it would be easier to obtain agreement for this.
- 22 Local authorities should ensure that responsibility for Gypsy and Traveller issues, at district or borough council level, falls within appropriate departments, such as Housing and/or Equality and Diversity Departments and not in Environmental/ Public Health.
- 24 Local authorities should respond to inaccurate reporting in the local media by seeking to put the record straight, as well as actively promoting positive stories.
- 26 Local authorities and schools should include Gypsies and Travellers within cultural events where diversity is celebrated.
- 28 Local authorities should create and facilitate Gypsy and Traveller Forums with high levels of Gypsy and Traveller participation, to provide an opportunity to identify key needs and aspirations.
- 29 Local authorities should seek to engage with Gypsies and Travellers in community consultation processes on all issues affecting their area, not just those that specifically relate to Gypsies and Travellers.

- 31 Local public bodies should establish an inter-agency forum at a regional or sub-regional level, bringing together officers who work with Gypsies and Travellers from different organisations and departments to act as a support network, share best practice and coordinate service provision.
- 34 IDeA should initiate training, education and awareness-raising for councillors, including information on engagement with settled communities on the issues, especially site location. This should include creating a 'Councillors' Toolkit' to help inform elected members about Gypsy and Traveller issues.
- 35 IDeA should disseminate good local authority practice in relation to Gypsies and Travellers and establish a website with information and examples of good practice.
- 36 Local authorities should ensure there is a Gypsy and Traveller Advisory Officer in every authority who is well trained and capable of building and maintaining positive relationships with the community, not just an enforcer.
- 48 Local authorities should ensure that their Equality Impact Assessment processes are robust and that Gypsies and Travellers are actively considered within them.
- 50 Local authorities should ensure that Sure Start programmes are accessible to those living on sites, placing a scheme on the site where appropriate.

Police

- 32 Police forces should appoint specific Gypsy and Traveller Liaison Officers and create open communication channels with Gypsies and Travellers to build trust and gain greater mutual understanding by creating opportunities for positive engagement outside of times of conflict, discussing issues and sharing experience.
- 44 The police should react to racially motivated crimes committed against members of Gypsy and Traveller communities as hate crimes, record them as such, and ensure that the ethnicity of the victim is recorded as Romany Gypsy or Irish Traveller accordingly.

Other

- 8 The Audit Commission should identify the comparative costs of new site provision and enforcement action on unauthorised sites and ensure that local authorities are not wasting public money by pursuing an enforcement-based approach unnecessarily.
- 16 The National Farmers' Union and the Institutional Landowners' Group should inform their members of possible opportunities for income generation and diversification by renting land to Gypsies and Travellers.
- 19 All public authorities should include Romany Gypsies and Irish Travellers as categories within all exercises where racial/ethnic data is gathered or monitored, including ethnic monitoring of crime and anti-social behaviour.

- 25 The Press Complaints Commission should, at its next review of its Code of Practice, change the Code to provide rights for vilified groups (as well as individuals).
- 30 Gypsies and Travellers, supported by organisations like Planning Aid, should make representations to influence Development Plan Document content in order to ensure that their interests, needs and desires are represented.
- 33 All public bodies should include Gypsy and Traveller issues within all their programmes of diversity training and cultural awareness-raising for all front line service providers, including social services staff.
- 37 Mediation services, who are used to dealing with conflict between different parties should, with appropriate training, offer their services when conflict arises between or within communities to help resolve the conflict.
- 45 Major national political parties should formally commit to continuing to address the issues affecting Gypsies and Travellers, working across party boundaries to achieve consensus and disseminating information to their local constituency parties.
- 46 Consideration should be given to issuing a Crown Apology for centuries of official racism and discrimination against Gypsies and Travellers.
- 47 Local authorities, health authorities and other relevant public bodies should provide information on their services in alternative formats where difficulties may be encountered due to poor literacy.
- 55 Local Gypsy and Traveller groups with local authority Gypsy and Traveller Advisory Officers should develop and provide training/awareness-raising aimed at Gypsies and Travellers on the roles of police and social services departments and support Gypsies and Travellers to interact effectively with authority figures.

Sources of further information

Centre for Comparative Housing Research

De Montfort University
The Gateway
Leicester LE1 9BH

Tel +44 (0)1775 630 176
Email rlishman@dmu.ac.uk
Web www.dmu.ac.uk
www.cchr.net

Centre for Urban and Regional Studies

J G Smith Building
University of Birmingham
Edgbaston
Birmingham B15 2TT

Tel +44 (0)121 414 5024
Fax +44 (0)121 414 3279
Email C.Fox@bham.ac.uk
Web www.curs.bham.ac.uk

Country Land and Business Association

16 Belgrave Square
London SW1X 8PQ

Tel +44 (0)207 235 0511
Fax +44 (0)207 235 4696
Email mail@cla.org.uk
Web www.cla.org.uk

Derbyshire Gypsy Liaison Group

Ernest Bailey Community Centre
Office 3
New Street
Matlock
Derbyshire DE4 3FE

Tel/Fax +44 (0)1629 583 300
Web www.dglg.org

East Anglian Gypsy Council

Plot 3
Travellers Caravan Site
Oxney Road
Peterborough PE1 5NX

Tel/Fax +44 (0)1733 347 112

Exchange House Travellers Service

61 Great Strand Street
Dublin 1
IRELAND

Tel +353 (0)1 872 1094
Fax +353 (0)1 872 1118
Email info@exchangehouse.ie
Web www.exchangehouse.ie

Fenland District Council

Fenland Hall
County Road
March PE15 8NQ

Tel +44 (0)1354 654 321
Email info@fenland.gov.uk
Web www.fenland.gov.uk

Friends, Families and Travellers

Community Base
113 Queens Road
Brighton BN1 3XG

Tel +44 (0)1273 234 777
Fax +44 (0)1273 234 778
Email fft@gypsy-traveller.org
Web www.gypsy-traveller.org

Fundación Secretariado Gitano

C/ Ahijones S/N
28018 Madrid
SPAIN

Tel +34 (0)91 422 0960
Fax +34 (0)91 422 0961
Email fsg@gitanos.org
Web www.gitanos.org

The Gypsy Council

UK & European Office
8 Hall Road
Aveley
Essex RM15 4HD

Tel +44 (0)1708 868 986
Email thegypscouncil@btinternet.com
Web www.thegypscouncil.org.uk

Gypsy and Traveller Unit

Communities and Local Government
Zone 1/F8 Eland House
Bressenden Place
London SW1E 5DU

Tel +44 (0)207 944 8127
Fax +44 (0)207 944 6499
Email contactus@communities.gsi.gov.uk
Web www.communities.gov.uk

Inner London Traveller Education Consortium

Children Schools and Families
Crowndale Centre
218-220 Eversholt Street
London NW1 1RX

Tel +44 (0)208 374 1286
Email www.camden.gov.uk/contact

Irish Traveller Movement

The Resource Centre
356 Holloway Road
London N7 6PA

Tel +44 (0)207 607 2002
Email romanistan@yahoo.com

National Association of Gypsy and Traveller Officers

Web www.nagto.co.uk

National Association of Teachers of Travellers

Web www.natt.org.uk

National Farmers' Union

Kings Buildings
16 Smith Square
London SW1P 3JJ

Tel +44 (0)207 808 6630
Fax +44 (0)207 808 6610
Web www.nfuonline.com

The National Federation of Romani Gypsy/ Traveller Liaison Groups

Ernest Bailey Community Centre
New Street
Matlock
Derbyshire DE4 3FE

Tel +44(0) 1629 760435
Web www.nationalgypsytravellerfederation.org

National Travellers Action Group

3a Hope Lane
St John's Fen End
Kings Lynn
Norfolk PE14 8JD

Tel +44 (0)945 430 995
Email norfolkadvocacy@ormiston.org

Pavee Point Travellers' Centre

46 North Great Charles Street
Dublin 1
IRELAND

Tel +353 (0)1 878 0255
Fax +353 (0)1 874 2626
Email mediationservice@pavee.iol.ie
Web www.paveepoint.ie

Royal Town Planning Institute

41 Botolph Lane
London EC3R 8DL

Tel +44 (0)20 7929 9494
Fax +44 (0)20 7929 9490
Email policy@rtpi.org.uk
Web www.rtpi.org.uk

Traveller Law Reform Project

c/o London Gypsy and Traveller Unit
6 Westgate Street
London E8 3RN

Tel +44 (0)7956 450916
Email info@travellerslaw.org.uk
Web www.travellerslaw.org.uk

UK Association of Gypsy Women

12a Pease House
Horsemarket
Darlington DL1 5PW

Tel +44 (0)1325 365 000
Fax +44 (0)1325 487 334
Email ukassociationofgypsywomen@yahoo.co.uk

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The report is available for download at

<http://www.minorityrights.org/download.php?id=127>

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The report is available for download at

<http://www.rtpi.org.uk/item/441/23/5/3>

Participants at the Consultation

BSHF is grateful for the contributions made by the participants at the Consultation. This report does not claim to represent a consensus opinion of all of those present, although in preparing it we have drawn heavily on the discussions held.

Mr David Bailey

Traveller and Diversity Manager, Fenland District Council

Ms Catherine Beard

Project Coordinator, UK Association of Gypsy Women

Mrs Janie Codona

Project Coordinator, National Travellers Action Group

Mrs Claire Cooper

Head of Gypsy and Traveller Unit, Communities and Local Government

Sgt John Coxhead

Gypsy and Traveller Liaison Officer, Derbyshire Constabulary

Mrs Diane Diacon

Director, Building and Social Housing Foundation

Mr Bill Forrester

Head of Gypsy and Traveller Unit, Kent County Council

Mr Brian Foster

Coordinator, Inner London Traveller Education Consortium

Mr Derek Fryett

Trustee, Building and Social Housing Foundation

Sr Álvaro Gutiérrez

Employment Programme Coordinator, Fundación Secretariado Gitano, Spain

Dr Rod Hackney

Architect, Rod Hackney Associates

Mrs Eirwen Harbottle

Co-director, Centre for International Peacebuilding

Dr Judith A. Hermanson

Senior Vice President, CHF International, USA

Dr Steve Hill

Deputy Chief Executive, The Environment Council

Mr Arthur Ivatts

Educational Consultant to DfES

Mr Terry Jones

Head of London Office, National Farmers' Union

Ms Caroline Keane

Mediation Services Coordinator, Pavee Point Travellers' Centre, Ireland

Mr Paul Kershaw

Regulation Account Manager, The Housing Corporation

Ms Hannah Kriteaman

Policy and Research Officer, Building and Social Housing Foundation

Mr William McDonagh

Senior Manager, Exchange House Travellers Service, Ireland

Mr Peter Mercer

General Secretary, East Anglian Gypsy Council

Miss Pat Niner

Senior Lecturer, Centre for Urban and Regional Studies,
University of Birmingham

Miss Emma Nuttall

Traveller Advice Project Manager, Friends, Families and
Travellers

Mr Michael W. Parkes

Special Adviser to Executive Director, UN-HABITAT

Mr Alan Pearson

Trustee, Building and Social Housing Foundation

Mr Christopher Price

Solicitor, Country Land and Business Association

Dr Jo Richardson

Senior Lecturer, Centre for Comparative Housing
Research, De Montfort University

Mr Andrew Ryder

National Policy Officer, Irish Traveller Movement

Mr Rynd Smith

Head of Policy and Practice, Royal Town Planning
Institute

Mrs Siobhan Spencer

Coordinator, Derbyshire Gypsy Liaison Group

Mr Jim Vine

Housing Policy Analyst, Building and Social Housing
Foundation

Rt Revd David Walker

Bishop of Dudley

Mr Marc Willers

Barrister, Garden Court Chambers

The Consultation was chaired by

Mr Dominick Harrod, formerly Director of Studies at
St George's House, Windsor Castle and Economics Editor
of the BBC.

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The Building and Social Housing Foundation would like to acknowledge the following individuals and organisations for providing the photographs used in this report:

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Building and Social Housing Foundation
Memorial Square
Coalville
Leicestershire
LE67 3TU
United Kingdom

Tel +44 (0)1530 510444
Fax +44 (0)1530 510332
Email bshf@bshf.org
Web www.bshf.org

Charity Number 270987

ISBN 978-1-901742-02-2
PRICE £5.00