



The Scottish Parliament
Pàrlamaid na h-Alba

Shona Robison
Cabinet Secretary for Commonwealth
Games, Sport, Equalities and Pensioners'
Rights
By email

Equal Opportunities Committee
Email: equal.opportunities@scottish.parliament.uk

25 June 2014

Dear Shona,

Re: Inquiries into discrimination faced by Gypsy/Travelling people

Thank you for your recent update on the Scottish Government's work to date on this matter. We discussed this at our meeting on 19 June, and the full transcript of our discussion is annexed alongside recent updates from MECOPP and the Grampian Council for Regional Equality (GREC).

Following consideration of the Scottish Government's correspondence we are extremely concerned and disappointed to hear that, whilst actions are detailed, stakeholders are seeing little progress and there is no detail provided on the timeframes involved. The lack of Gypsy/Travellers input to the Gypsy/Traveller Site Working Group has also been brought to our attention.

We would appreciate a response detailing, specifically, timetables and emerging outcomes from work taken forward on the working groups. For example, the Gypsy/Traveller Site Working Group, the Scottish Traveller Education Review Group, and the Gypsy/Traveller Strategy Development Group.

We would appreciate a response by **1 August**, in advance of our seeking a further Ministerial appearance before the Committee.

Yours sincerely,

Margaret McCulloch MSP
Convener, Equal Opportunities Committee

Annexe A: Transcript of Equal Opportunities Committee meeting Official Report, 19 June 2014

Gypsy Travellers and Care and Where Gypsy Travellers Live

The Convener: Agenda item 3 is consideration of the Scottish Government's response to our "Gypsy/Travellers and Care" and "Where Gypsy/Travellers Live" inquiry reports. We will also consider correspondence from the stakeholders, which is contained in paper 3.

We are asked to discuss whether we want to request the Scottish Government to propose timelines for the working groups, and whether to request further information on the proposed framework for Gypsy Traveller accommodation. We are also asked to consider at a later date whether to seek evidence from working groups and stakeholders on proposed timelines. Does anyone want to comment?

John Finnie: My frustration about this issue knows no bounds, so I will be very brief. We will find it a challenge to get any meaningful engagement from some of the stakeholders who are sick to death of being asked questions, giving answers and then being ignored. I would therefore encourage some genuine action from the people who have received the report, because nothing has changed; attitudes have not changed at all.

Christian Allard: It might be a good idea to hear from the Convention of Scottish Local Authorities and see how we can sort out the position with local authorities. In Aberdeen and Aberdeenshire, we seem to have a lot of problems. The issue is not being kicked into the long grass, but perhaps practical measures that are being taken are not helping at all. It might be a good idea to take a wider view of local authorities and to see whether COSLA would be happy to speak to us.

John Mason: I echo those views. I am very disappointed that we are talking about the possibility of a further delay of two years when I thought that it had been widely agreed that more sites are needed. I know that the issue is sensitive, but the situation is incredibly disappointing.

Siobhan McMahon: The frustration with the response is that there are no timeframes. I am pleased that we will ask about that, because we have given the Government long enough to see what meaningful engagement will take place. The Minority Ethnic Carers of People Project has highlighted that there are no Gypsy Travellers on the Gypsy Traveller working group, which is incredible. I do not see how the Government, COSLA or anyone can think that that is good and meaningful. It is a slap in the face to all those who worked on both reports and gave evidence to the committee. It is shocking that we are going down the same path as has been taken in the past decade.

The response gives an update on hand-held records but gives no information on why, because some people said that the proposal would not work, it will not happen. Who are those people? What was the meaningful engagement? Were both sides of the argument listened to? There is no evidence.

The response refers to the Children and Young People (Scotland) Bill, which has now been enacted. When will we use that? What are the timeframes? The Government speaks about the bill coming forward and about what it hopes to do, but the act is now in place. The act has just been passed, so we would not expect it to have brought about great changes yet, but what will be the timeframes for using it? It should not be used simply as a headline.

Alex Johnstone: I was entertained by John Mason's comment about two years being an unacceptable timescale. Two years would be the blink of an eye in relation to how the issue has been dealt with until now.

A serious problem is highlighted by the response and what has gone before it for the whole time that the Parliament has existed and possibly before that. The desire is to follow the accepted route of consulting and including people and doing all that. We have been round the circle so often that it has become clear that that is not working. Leadership is needed. We need to encourage those

who are in a position to demonstrate leadership to do so. That will involve a timescale, which we need to try to set.

I would like a minister to allow the issue to go to the top of their in-tray and stay there for a while, rather than be buried. I understand that Shona Robison is now the relevant cabinet secretary. She has a number of responsibilities, but the Commonwealth games will soon be over. I would like to challenge her to make Gypsy Travellers her next priority.

Marco Biagi: I agree with that sentiment. As well as bringing COSLA here, we should hear from the cabinet secretary. As with all things on the timetable, that will have to happen in the autumn. There would be value in announcing that invitation well in advance, so that it is in her diary and that of COSLA and so that it provides a focus for achieving something before then, so that they can come to the committee and point to at least some movement in their areas of responsibility.

The Convener: Would members be happy if we initially wrote to ask the Government and COSLA for details of their timelines before bringing them in to speak to us?

Members indicated agreement.

The Convener: We will send the letter now and we will bring them in after recess. Is that agreed?

Members indicated agreement.

Annexe B – Correspondence from GREC

Update to the Equal Opportunities Committee

There have been several developments in recent months in Aberdeen City and Aberdeenshire relating to site proposals and unauthorised encampments.

Aberdeenshire Council site proposal

The most significant development in Aberdeenshire has been the decision at full council to block a proposal (in its current format) for a stopover site at Aikey Brae, a traditional stopping place for Gypsy/Travellers in the north of Aberdeenshire. The proposal recommended elected members “to consider the submission of a planning application for the development and management of a seasonal Gypsy/Traveller stopover site at Aikey Brae, Old Deer...”¹.

Councillors voted 34 to 32 in favour of an amendment that called for a full strategy to be put in place for developing sites in Aberdeenshire. The councillor who raised the amendment was quoted in the local press as saying “[the development of a full strategy] will be a couple of years at the earliest. It has not been killed off entirely. It can reappear.” Council officers will go back to full council with another proposal in September.

Aberdeen City Byelaw

The main development in Aberdeen City has been the passing, by 28 votes to 12, of “a byelaw to prohibit unauthorised camping to various designated sensitive areas”². Councillor Greig was quoted in the local press in favour of the bye-law as saying: “It’s about individuals who are behaving badly. Some are well behaved but we also have some individuals who are not and have flouted the law and made a mockery of our system of law and order in the city. We can’t tolerate that.” GREC spoke out in the media against the proposed byelaw and GREC’s response to the consultation document included the following:

...It is very doubtful whether the proposed Byelaw would have any positive impact and indeed it may prove counterproductive ... the root of the problem is that there are not enough authorised sites/encampments available for the Gypsy/Traveller community e.g.: the Clinterty site is not big/accessible enough to meet needs. The community is effectively left with no option but to camp at unauthorised sites—a Byelaw would not change this situation ... In order for relations to improve significantly and sustainably some form of increased site provision is necessary.

Recent GREC work in Aberdeenshire and Aberdeen City

GREC has been working with Planning Aid for Scotland, visiting authorised and unauthorised sites in Aberdeen City and Aberdeenshire to support Gypsy/Travellers who have a desire to develop their own private sites. GREC is also in discussion with Planning Aid for Scotland about how to support their “Young Placemakers as Change Makers”, with Aberdeenshire being one of the four areas they plan to work within.

Along with Community Learning and Development and NHS Grampian, GREC has been planning a programme of summer engagement with young people and adults on unauthorised and authorised sites across Aberdeenshire. The project will see a core team of NHS, GREC and CLD

¹ Report to Aberdeenshire Council “Proposal for a seasonal Gypsy/Traveller Stopover Site at Aikey Brae, Old Deer. Available online at: [https://www.aberdeenshire.gov.uk/committees/files_meta/802572870061668E80257CBC003BDB26/\(10\)%202014%2004%2024%20Council%20Report%20Aikey%20Brae.Final%20%2014.04.pdf](https://www.aberdeenshire.gov.uk/committees/files_meta/802572870061668E80257CBC003BDB26/(10)%202014%2004%2024%20Council%20Report%20Aikey%20Brae.Final%20%2014.04.pdf)

² “Proposed Byelaw regarding Camping in Designated Places” available online at: <http://committees.aberdeencity.gov.uk/documents/s37829/Proposed%20Byelaw%20Regarding%20Camping%20in%200Designated%20Places.pdf>

staff visiting families on site, as well as bringing in other services and individuals such as storytellers, environmental artists and the SFA Equity scheme to work with members of the Gypsy/Traveller communities.

Aberdeen City CHP (NHS Grampian) have committed to another years funding of GREC's Gypsy/Traveller Health Engagement Worker. From April 2014 to April 2015 the project worker will be: continuing to engage with Gypsy and Traveller communities at Clinterty site and on unauthorised sites in the city, sign-posting to health services and undertaking informal health needs assessments to help inform the work of NHS Grampian; working with health partners to undertake research and pilot projects at three GP practices in the City, helping to promote a model of good practise in providing GP services to Gypsy/Travellers (the work will include involvement of Gypsy/Travellers to ascertain the range of experiences of individuals while in Aberdeen); continuing to facilitate engagement between preventative health services and Gypsy/Traveller communities in Aberdeen.

In addition GREC has undertaken some informal housing needs assessment work at Clinterty site, the site visited by the Equal Opportunities Committee last year. The feedback from residents will be addressed with officers from Aberdeen City Council.

Annexe C – Correspondence from MECOPP

MECOPP Update

June 2014

This update is based on our observations and informal discussions with members of the Gypsy/Traveller community living in Perth and Kinross, mid and north Argyll and the Lothians. It is not a comprehensive report, but rather a brief update on the progress, or otherwise, since the publication of the Scottish Parliament Equal Opportunities Committee Care and Accommodation reports.

1. Care Inquiry – since the ‘Gypsy/Travellers and Care’ report was published in 2012:

- **Training** - awareness-raising training led by Gypsy/Traveller trainers and MECOPP was provided free of charge to members of the Carers Trust Scotland (formerly The Princess Royal Trust for Carers). One session was held in Glasgow and one in Elgin, both sessions were well-attended and feedback was very positive.

- **Follow up** - no further contact has been received from the Carers Trust, nor any of the other national Carer organisations who gave evidence to the Inquiry. We are not aware of any additional targeted work with the community to address the issues raised in the report. We occasionally receive requests for help from individual carer centres in different areas of Scotland.

- **Good Practice** - we continue to have a very effective working relationship with North Argyll Carers Centre with a good exchange of skills and knowledge which is of great benefit to carers living in that area and we have observed an increased use of the full range of carer centre services. Similarly, in 2014 we held awareness-raising training for Carr Gomm staff and aim to closely work with them on their SDS Peer Support project in Argyll.

- **Self-Directed Support (SDS)** – in 2013 we received a small grant from the Scottish Government to carry out community-based research to establish:

- Current levels of awareness of SDS
- ‘Appetite’ to take-up SDS;
- Support mechanisms required to enable uptake;
- Potential barriers which may prevent uptake.

One of the greatest challenges of the research so far has been finding a way to talk about SDS in a way that is meaningful to Gypsy/Traveller carers. Most of those we work with continue to struggle with accommodation issues and experiences of discrimination, on top of the demands of being a carer, which means that they often do not have the time or energy to even think about SDS. Put simply, SDS is not a priority for many Gypsy/Travellers who are still struggling to manage various day-to-day challenges.

- **Attitudes** - another key challenge highlighted most recently by the SDS research concerns the prevalence of stereotyping and discriminatory attitudes among some professionals working on SDS and the way in which such attitudes can prevent Gypsy/Traveller carers from accessing SDS. There still is a tendency to perceive Gypsy/Travellers as a ‘*problem*’, and phrases such as, ‘*they’re hostile*’, or ‘*they’re hard-to-reach*’, have been repeated on numerous occasions. To address this we are in the process of developing a satirical cartoon book, using humorous sketches, to highlight some of the phrases that have been repeated by professionals during the research period, e.g.

'Gypsy/Travellers don't engage', and attempts to show how this is impacting negatively on Gypsy/Travellers' ability to access support.

- **Social Work** - the same messages are coming from the SDS research and various consultations we have carried out in local areas around proposed changes to carer legislation - the majority of those we work with are not receiving any social care support and many remain reluctant to engage with social workers or ask for support. During the carer legislation consultation, for example, none of the carers reported positive experiences with their local authority, with many repeating the phrase, *"it's like hitting your head against a brick wall"*, and others feeling that they are blacklisted by the local authority. There is also concern about assessments being carried out by social workers and this is a major barrier to Gypsy/Traveller carers in accessing SDS and other services. Whether the assessment is renamed as a Support Plan or not is unlikely to make any difference to these carers. As one carer said, *"I never realised that being a carer meant taking on the council"*.

- **Portability** – similarly, our research suggests the issue of portability of assessment appears to be more of an issue for service providers and local authorities than it is for Gypsy/Traveller carers themselves. Many of those consulted are based in one area for the majority of the year (often because of ill-health or disability and lack of facilities on sites), so portability is not such a major concern for them. However, surveys and interviews with local authority staff and service providers show that they consider portability to be one of the main challenges when supporting Gypsy/Travellers. There is a danger that this becomes an 'excuse' for not providing services to Gypsy/Travellers – as one carer commented, *"there's an attitude of 'don't give them anything as they'll only move on after a while anyway"*.

- **Hand Held Records** - in 2013 NHS Health Scotland carried out some research into the use of Hand Held Records (HHR) and other methods of NHS engagement. The research aimed to gather the perspectives of health professionals and they found *"the majority of participants believed HHRs to be ineffective due to many barriers to its use, partially in relation to confidentiality issues, ease of completion and its size"*. Various engagement methods were identified in the research with the most effective being *"those that took services to the communities and adapted them to community needs by way of outreach to authorised sites and temporary camps, targeted Keep Well health checks, tailored clinics and targeted health improvement activities."* However, practice varied greatly across the country and they concluded *"engagement with Gypsy/Travellers by the NHS might be strengthened and further developed if experience is shared across Scotland and strategic development is supported."*

2. Accommodation Inquiry - the 'Where Gypsy/Travellers Live' report was published in 2013, since then:

- The Equality Unit at Scottish Government has recently set up a Gypsy/Traveller Strategy Development Group and this group has met twice so far. The group's aim is to develop an overarching strategy and action plan for Gypsy/Travellers in Scotland, that supports:

- a reduction in discrimination against them and more positive attitudes towards their way of life;
- improvements in their quality of life and life outcomes;
- an increase in understanding of their needs among service providers and commissioners, which are addressed through provision of an national action plan to address identified needs; and
- an increase in mutual understanding and respect with the settled community.

The Equality Unit hope the action plan will be in place by spring 2015. Proposals currently being discussed include the production of a 'facts and fiction' type booklet to be sent to every elected member, combined with the offer of training led by community members. The development of a strategy is a positive step forward, albeit somewhat delayed, but for some participants there is a strong sense of 'déjà vu'. Arguably, there is also limited recognition that any strategy will need to be robust and hard-hitting with effective monitoring, timescales and resources. When asked for a comment for this update one Gypsy/Traveller remarked *"action plans are fine but it will it sit on a shelf like the rest of them or actually be put into practice? Surely by now the Government has enough evidence about what needs to be done, can't they just get it done instead of endlessly talking, only then will Gypsy/Travellers like me start to take it seriously"*.

- A Gypsy/Traveller Site Working Group is also being led by the Housing Services and Regeneration Division of Scottish Government. Whilst MECOPP has been unable to attend either of the meetings held to date we are disappointed about the apparent narrow focus of this group and the absence of any Gypsy/Travellers. We are also deeply concerned about the some of the content of recent papers circulated by the group that appear to indicate that many of the issues highlighted in the EOC report are neither acknowledged nor addressed in possible next steps. For example, it is stated that most local authorities reported their sites were of 'reasonable quality' and that guidance from 1997 is simply to be updated. In short, is this 'more of the same'? There is no mention of trying to improve tenancy rights, in line with the Scottish Secure Tenancy, nor any mention of involving Gypsy/Travellers in taking matters forward.

- Housing Bill - there is unfortunately no specific mention of the situation of Gypsy/Travellers in the proposed Housing Bill, nor any proposals put forward to address the significant inequalities experienced by Gypsy/Travellers and clearly identified in the 'Where do Gypsy/Travellers Live' report.

- Site Update – from some of the sites visited by Committee members:

- one worrying case we are currently dealing with illustrates the ongoing injustices faced by Gypsy/Travellers. In one council area, a decision has been taken to impose the 'under occupancy charge' on site tenants, even though tenants have no choice about the size of accommodation they are provided with, do not have secure tenancies, live in 'mobile homes' (usually exempt from the under occupancy charge) and no alternative 'culturally appropriate' accommodation is available in the area. To our knowledge, this is the only local authority to impose the so-called 'bedroom tax'. One tenant we work with, who is the main carer for a family member, is consequently threatened with eviction *"since giving evidence at the Parliament the council has put the rent up to over £103 a week and has applied the bedroom tax so I am now looking at being made homeless and my mother losing her main carer. For me things have got a lot worse"*.

- Similarly, whilst the short access road has been re-surfaced at another site, the re-surfacing is only on the access road and stops before actually reaching individual homes

- On another site, tenants mentioned some small improvements *"yes they were out last week painting the amenity blocks in the rain... just days before a visit by the Housing Minister. And a door has been put on the fire hose but the hose hasn't been actually been lengthened and plastic covers over the vents. Apart from that nothing has changed"*.

3. Concluding Thoughts

Elsewhere in Scotland, there may well be examples of good practice which have been developed since the reports were published. However, in our opinion, some of the issues detailed above yet again highlight an ever-widening gap, already noted in the two EOC reports, between what

service-providers and policy makers 'think' the situation is and what the actual experiences of Gypsy/Travellers are.

Following publication of the two reports many of the Gypsy/Travellers we work with, who participated in the inquiries and gave evidence, felt listened to and hopes were running high. However, as one person said recently *"reality has now set in, nothing much has changed and what has been put in place is cosmetic or a just ticky box exercise. Yeah, develop a strategy but that shouldn't be the end of it?"*. Another person, when asked for an update, noted *"to be honest, I feel really disappointed after all the work we've done locally and nationally"*.

Michelle Lloyd
Programme Manager
MECOPP
June 2014