

The Improvement Service

ELECTED MEMBER BRIEFING NOTE

Gypsy/Travellers

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What is the purpose of the briefing note series?

The Improvement Service (IS) has developed an Elected Members Briefing Series to help elected members keep pace with key issues affecting local government.

Some briefing notes will be directly produced by IS staff but we will also make available material from as wide a range of public bodies, commentators and observers of public services as possible.

We will use the IS website and elected member e-bulletin to publicise and provide access to the briefing notes. All briefing notes in the series can be accessed at www.improvementservice.org.uk/elected-member-guidance-and-briefings.html

About this briefing note

This briefing has been produced by COSLA's Migration, Population and Diversity Team. The team has responsibility for policy issues relating to migration to Scotland in all its forms (including asylum seekers and refugees), human trafficking, population and demographic change, and also provides oversight of equality and human rights issues. It works with all of Scotland's 32 local authorities, UK and Scottish Government and a host of other stakeholders that have an interest in migration issues in Scotland.

It is acknowledged meeting the needs of Gypsy/Travellers and settled communities is complex and sensitive, and can present a significant challenge for elected members. The purpose of this briefing is to raise awareness of a suite of recently published, and soon to be published, guidance and briefings relating to Gypsy/Travellers.

The recent trajectory of work attempts to set out rights and responsibilities of Gypsy/Travellers, the settled community and public bodies in the areas of accommodation, planning and education. This briefing will equip elected members with a brief synopsis of these documents and highlight elements that are particularly relevant to local authorities.

Background

In 2012, the Scottish Parliament's Equal Opportunities Committee (EOC) held an inquiry into accommodation for Gypsy/Travellers. The EOC published the report [Where Gypsy Travellers Live](#) in 2013, which had wide-ranging recommendations. There have been several actions taken forward regarding the accommodation of Gypsy/Travellers on the back of the EOC report.

There has also been a range of work carried out regarding education for children and young people. This briefing will provide a summary of the key areas of work and provide links to the documents.

About Gypsy/Travellers

Gypsy/Travellers are not one single homogenous group; there is much diversity with each group defined by a different history, culture and lifestyle.

The Gypsy/Traveller term can be used to describe someone with a nomadic lifestyle and includes English Gypsies, Irish Travellers, Welsh Kale, European Roma, Occupational Travellers, and Highland and Lowland Scottish Travellers. This briefing will focus on Gypsy/Travellers from across the UK and Republic of Ireland who are resident in Scotland.

Though Gypsy/Traveller communities are united by their travelling lifestyle, they are not defined by the need to inhabit a mobile home and may live for long periods in settled accommodation including houses. Changing factors, such as employment or social care needs, may lead Gypsy/Travellers to choose to live in settled accommodation.

Gypsy/Travellers who reside in mobile homes or houses may choose to travel for all or part of the year and travel patterns tend to be linked to work and the cultural importance of visiting relatives. Most Gypsy/Traveller families have strong family and social networks, live within close-knit communities, and often travel as such.

Accommodation

Housing Needs Demand Assessment (HNDA)

Accommodation affects access to health and social care, education and other public services. Local authorities have a duty to assess and consider the accommodation needs of Gypsy/Traveller communities through the [Housing Needs Demand Assessment](#) and [Local Housing Strategy Guidance](#).

Site standards

Many local authorities and one Registered Social Landlord (RSL) are responsible for providing and running Gypsy/Traveller sites to help meet the accommodation needs of the travelling community in their area. At the last count, 19 local authorities have sites in their area, although some local authorities have provided a site between them.

The Scottish Government guidance [Improving Gypsy/Traveller Sites: Guidance on Minimum Site Standards, and Site Tenants' Core Rights and Responsibilities](#) was published in May 2015. The guidance sets out minimum site standards for Gypsy/Traveller sites provided by local authorities and RSLs (the guidance does not cover private sites at present).

The standards cover seven specific areas: structural standards, energy efficiency, facilities and amenities, safety and security, maintenance and repairs, fair treatment, and consultation. Many sites already meet these standards, and the focus of the guidance is to ensure all sites meet specified standards.

The guidance states an assessment of the sites should be undertaken by the end of 2015 and minimum site standards should be met by June 2018.

Tenants' core rights and responsibilities

The guidance [Improving Gypsy/Traveller Sites: Guidance on Minimum Site Standards, and Site Tenants' Core Rights and Responsibilities](#) sets out core rights and responsibilities that will be part of the tenants' occupancy agreements with site providers. In summary, the core rights and responsibilities cover:

- The need to treat site tenants fairly
- The need for amenity blocks to meet certain specific standards
- Timescales for carrying out repairs
- Arrangements for ending a tenancy, and for a tenancy to be passed on
- The need to consult site tenants about specified matters
- The need to provide written information and a complaints procedure
- Minimum standards of behaviour expected from a site tenant
- Expected standards of care of a pitch; and
- Arrangement for leaving a pitch.

The occupancy agreement, although not the same as a secure tenancy, should reflect as far as possible the rights and responsibilities of council housing tenants.

Housing rights

The reviewed Scottish Social Housing Charter, which came into force on 1 April 2017, contains an outcome on Gypsy/Travellers. This outcome includes actions landlords take to ensure that their sites meet the Scottish Government guidance on minimum standards for Gypsy/Traveller sites, and those living on such sites have occupancy agreements that reflect the rights and responsibilities set out in guidance.

This effectively gives the site standards guidance the same status as the Scottish Housing Quality Standard, and enables the Scottish Housing Regulator to report progress against the minimum standards.

Unauthorised site guidance

Scottish Government is in the process of publishing reviewed guidance on Gypsy/Traveller unauthorised sites. Guidance for local authorities on managing unauthorised camping by Gypsy/Travellers in Scotland will deal with key areas which have been raised by local authorities, namely: waste disposal (e.g. refuse collection, cost of clear up, behaviour, and fly tipping), mass gatherings and regional coordination.

The guidance will make clear reference to two distinct types of unauthorised sites (small family groups and larger working groups) and present case studies of potential ways of managing different types of sites.

The guidance will also set out roles, rights and responsibilities for those involved with unauthorised sites: Gypsy/Travellers, local authorities, Police Scotland, Crown Office & Procurator Fiscal Service, and the Scottish Government, and makes clear the importance of Human Rights Act 1998 and Equality Act 2010 when considering or planning responses to practice.

It will also clarify standards of behaviour expected of all communities (both members of the settled community and the Gypsy/Traveller community).

The guidance will showcase a wealth of good practice going on across Scotland and it is not expected that it will require a major overhaul of how local authorities manage unauthorised sites. The guidance should allow local authorities to identify elements that could strengthen their approach to managing unauthorised sites. The publication date is imminent.

Planning

Scottish Planning Policy

The [2014 Scottish Planning Policy update](#) strengthens the importance of local decision-making by affirming that policy for Gypsy/Travellers should be based on housing needs as locally determined.

It stipulates that planning authorities should identify suitable locations for meeting the needs of Gypsy/Travellers and set out policies about small privately owned sites.

Gypsy/Traveller communities should be involved in decisions about sites for their use.

It is believed both the planning and housing revisions to guidance has created strong policy which will act as a stimulus for change and will support the development of Gypsy/Travellers sites when there is local requirement.

PAS (formerly known as Planning Aid Scotland) planning guides

PAS has published guides on [Gypsy/Travellers and the Scottish Planning System](#). There are five guides tailored for elected members, local authorities, Gypsy/Travellers, community councillors and the media. The key purpose of these guides is to increase awareness and knowledge of the Scottish planning system and engagement between Gypsy/Travellers, planning professionals, elected members and community councillors.

Education

Education guidance (children and young people)

The [Scottish Traveller Education Review Group \(STERG\)](#) was established to review and build an accurate picture of the issues that are challenging equality of access to education for the children of Travellers in Scotland. STERG has produced the draft guidance [Improving Educational Outcomes for Children and Young People from Travelling Cultures](#).

The purpose of the document is to provide guidance to schools, including early learning and childcare settings, and local authorities about how they can support children and young people from travelling cultures and their families in school education. Scottish Government is currently consulting on this document. The consultation period will end on 28 May 2017 and it is envisaged the guidance will be published in Summer 2017.

Anti-bullying strategy

The Scottish Government is currently refreshing its [National Approach to Anti-Bullying](#) which sets out a common vision and aims to make sure that work across all agencies and communities is jointly

focused on addressing all types of bullying including prejudice-based bullying. All schools are expected to develop and implement an anti-bullying policy, which should be reviewed and updated on a regular basis.

The Scottish Government has established and wholly funds [respectme](#), the national anti-bullying service, to build confidence and capacity to address bullying effectively, aligned to the national approach. Respectme provides direct support to local authorities, schools and youth groups and all those working with children and young people.

Summary

This briefing note will equip elected members with the most up-to-date, and soon to be published, information on the rights and responsibilities of Gypsy/Travellers, the settled community and local authorities in the areas of Gypsy/Traveller accommodation, planning and education.

Further support and contacts

COSLA Migration, Population and Diversity (MPD) Team has responsibility for policy issues relating to migration to Scotland in all its forms, human trafficking, population and demographic change, Gypsy/Travellers, and equality and human rights.

Further details on our work and contact details for the team, can be found at: www.migrationscotland.org.uk.

Scottish Government is committed to ensuring equality of opportunity for all of Scotland's Gypsy/Travellers. For further information, please contact Monika Dybowski, Race Equality Policy Manager, Equality Unity, Scottish Government, monika.dybowski@gov.scot.

Other useful information and data

- [Gypsy/Travellers in Scotland – a comprehensive analysis of the 2011 Census](#) brings together previously published analysis to provide a wide-ranging evidence base on Scotland's Gypsy/Travellers
- [Part 2 of the analysis of equality results from the 2011 Census](#) includes data relating to Gypsy/Travellers and the labour market, education, housing and transport

- [Analysis of data on accommodation for Gypsy/Travellers from the 2011 Census and the Scottish Housing Charter 2013-14](#) includes data about pitches, pitch rents, site satisfaction, occupancy (overcrowding and underoccupation), accommodation type and tenure
- [Analysis of equality results from the 2011 Census](#) includes data about Gypsy/Travellers on demographics, identity, language and religion, households and health
- [Gypsy/Travellers in Scotland: summary of the evidence base](#) was published in 2013. It highlights information gaps and anticipates emerging evidence
- [Gypsy/Travellers in Scotland – A thematic inquiry](#) the Scottish Housing Regulator’s assessment of social landlords’ approaches to the management and maintenance of residential sites for Gypsy/Travellers
- [The 2nd National Report on the Scottish Social Housing Charter – An analysis of landlords’ 2014/15 annual returns](#)
- National Records of Scotland has [consulted on the topics for the 2021 census](#).
- [Developing Successful Site Provision for Scotland’s Gypsy/Traveller Communities](#) produced by the Equality and Human Rights Committee
- [Out of Site](#) training material produced by Show Racism the Red Card an anti-racism educational charity who work in schools

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Mar 2017



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