

# Civil Society Monitoring

on the Implementation of the National Roma Integration Strategy in

## THE UNITED KINGDOM

in 2012 and 2013

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## Prepared by

National Federation of Gypsy Liaison Groups



## Written by

Andrew Ryder ■ Sarah Cemlyn

## Coordinated by

the Decade of Roma Inclusion Secretariat Foundation  
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The authors of the report are: Andrew Ryder (Corvinus University Budapest, Third Sector Research Centre – University of Birmingham) and Sarah Cemlyn (The Centre for Poverty and Social Justice, University of Bristol). The Project managers are Siobhan Spencer MBE and Adrian Jones NFGLG Policy officer.

The following researchers have been involved in the project: Helena Kiely, Johanna Price, Assen Slavchev, Janie Codona, Przemek Kierpacz, Michael Daduč, Valerie Elliot, Tom McCready, Muzelley McCready and Article 12, a youth and equality group in Scotland; in Wales, Isaac Blake, Brigitta Balogh (The Romani Cultural and Arts Company); in Northern Ireland the Traveller organisation An Munia Tober worked with Belfast Health and Social Care. The Multi-Faith Centre at the University of Derby and Roma Community Care helped collect detailed data on Roma communities in Derby.

A Peer Review Group was led by Pauline Lane (health and social care), Alan Anstead (equalities), Marc Willers QC (law including EU law), Chris Johnson (specifically Gypsy and Traveller law), Arthur Ivatts OBE (education), and Angus McCabe of the Third Sector Research Centre at the University of Birmingham acting as a 'critical friend' in the review process.

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In 2013–2014, the Decade Secretariat has supported reports from civil society coalitions in eight countries: Bosnia-Herzegovina, Croatia, France, Germany, Italy, Montenegro, Serbia, and the United Kingdom. In the pilot year of 2012, reports from the following countries were supported: Albania, Bulgaria, Czech Republic, Hungary, Macedonia, Romania, Slovakia, and Spain.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their NRIS. These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data. The project is coordinated by the Decade of Roma Inclusion Secretariat Foundation in cooperation with Open Society Foundation's Making the Most of EU Funds for Roma program. Funding for the project comes from the OSF Roma Initiatives Office.

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## EXECUTIVE SUMMARY

This evaluation indicates that there are a number of policies being implemented by the Coalition Government which run counter to the aims and objectives of the EU Framework for National Gypsy, Traveller and Roma Integration Strategies and increase the likelihood of exclusion. It is important to clarify that Gypsy, Traveller and Roma communities have evolved independently and the needs of Gypsy or Traveller people are not the same as the Roma, however all have similar experience of discrimination, which has often led to exclusion and in the worse cases poverty. The report is guided by the Decade of Roma Inclusion Secretariat Foundation questionnaire template although this was slightly revised, to include the experiences of the different countries that make up the UK. Some of the analysis in the report is shaped by the Equality and Human Rights Commission's 'Equality Measurement Framework' (a tool to consider whether individuals and groups have equality of access and outcomes) and the '10 Common Basic Principles on Roma (Gypsy and Traveller) Inclusion', a guiding document by the Roma Platform (which brings together national governments, the European Union, international organisations and Gypsy Traveller and Roma civil society representatives) emphasising the importance and value of partnership, interculturalism, targeting and dialogue. When measured against these instruments, it will become evident to the reader that Gypsy, Traveller and Roma communities are experiencing serious forms of exclusion across the UK and that the administrations of England, Scotland, Wales and Northern Ireland are not doing enough to address inequalities, resulting in social exclusion and increased marginalisation of Gypsy, Traveller and Roma communities in the UK.

### Engagement, Empowerment and Strategy

Although this report starts with a note of concern, it is encouraging that in two of the devolved administrations (Scotland and Wales) there is a growing appreciation of the need for a strategic approach and, in some areas, there are targeted and innovative measures. However, despite support for some innovative projects, Northern Ireland needs a broader strategic approach and in England, the 'mainstreaming' approach and the promotion of the localism agenda by the current government has tended to preclude targeted and tailored measures for Gypsy, Traveller and Roma inclusion, as evidenced by an unwillingness to adopt a national strategy. Significantly, this report raises concerns about the lack of funding and support for Gypsy, Traveller and Roma engagement in civil society and while there is evidence of a number of exciting and innovative projects being led by community groups in the UK, these initiatives are predominantly underfunded and, consequently, these communities are rarely represented in the political area. In addition, the administrations in these four countries are failing to disseminate and embed innovative positive practice that sufficiently involves Gypsies, Travellers and Roma in decision-making processes. In Scotland Gypsies and Travellers will be involved in developing the strategy noted above but in Wales, which also has a strategy, there is scope for greater community involvement. In England a Gypsy and Traveller Liaison Group has been established but the lack of a strategy or meaningful involvement in national and local decision-making is limiting the value of this body. A range of stakeholders in Northern Ireland have called for a strategic group to be established. The growing migrant Roma communities seem to be the most marginalised in decision making processes across the UK, with only a few local support groups in operation. Certainly there are serious information gaps in our understanding of the needs of the communities. This report identifies the flaws in the UK policy approach and raises serious concerns, when compared against some of the core approaches contained within the 10 Common Basic Principles of Roma Inclusion. This report calls upon the administrations within the UK to enter into a real partnership with Gypsies, Travellers and Roma to form a series of taskforces, to inform and guide future policy to ensure that the community members are seen as equal citizens.

## Discrimination

The report notes that serious levels of discrimination continue to exist for Gypsy, Traveller and Roma communities right across the UK. The UK Equality and Human Rights Commission (EHRC) in 2012 criticised the UK Government for failing to consider how a number of policies would impact on the equality agenda in its spending review and warned that the Government had not fully grasped the requirements of public sector equality duties and that the cumulative effects of policies on vulnerable groups were not considered in a comprehensive way (Guardian, 14th May 2012: Treasury failed to test fairness of spending cuts, equality watchdog finds). However, it is notable that the EHRC has had its budget and workforce halved. The reduced scope of the EHRC is impacting negatively on Gypsy, Traveller and Roma communities. The report hopes that the EHRC will share the concerns expressed in the report and actively work in partnership with Gypsy, Roma and Traveller groups to promote its findings. The EHRC needs to have a mandate and appropriate funding to better address the failures of local authorities to address housing needs and allocate land for the Gypsy and Traveller sites and to ensure that Local Authorities comply with their Housing Act and Equality Act obligations. Otherwise although relevant laws may exist there is a failure to have an effective body to enforce them for a Community that is not capable of doing this for itself. An advisory committee, which includes community members, is needed to assist in raising the profile of work by the EHRC on Gypsy, Roma and Traveller communities.

Increasing concern has also been expressed by community members and others that political leaders are frequently voicing ill-informed and prejudiced sentiments in the public arena, which act to continue prejudice and discrimination against Gypsy, Traveller and Roma communities. The media also plays a prominent role in encouraging such prejudice. It is notable that the Scottish Government has accepted the recommendation of the Scottish Parliament Equal Opportunities Committee, to launch a national public awareness-raising campaign aimed at tackling discrimination and racism against Gypsy/Travellers. It would be of value if the other administrations followed this example and included Roma communities.

Gypsy, Traveller and Roma groups are playing a valuable role in combating gender discrimination within their own communities and an increasing number of women have taken up leadership roles and challenged traditional gender expectations. They become role models renegotiating the status and place of women within their communities. Community groups have also been prominent in organising youth work initiatives that help to equip young Gypsies, Travellers and Roma with important life skills, helping them to navigate the challenges of discrimination and prejudice and raise confidence and pride in their cultures. Art projects within Gypsy, Traveller and Roma communities and the formerly-funded national Gypsy, Roma Traveller History Month have also been invaluable in countering prejudice and discrimination.

## Education

The Office for National Statistics (2014) revealed that Gypsies and Irish Travellers had the highest proportion of people with no qualifications for any ethnic group (60%) and this raises serious concerns about educational access and inclusion for these communities.

**England:** There are no national initiatives in England to promote inclusive education specifically for Gypsy Traveller and Roma children. Where good practice does exist it is still usually championed by Traveller Education Support Services (TESS) (or individuals working on Gypsy Traveller and Roma issues) within different local authorities. The severe cuts to local authority budgets and the subsequent impact this has had on a large number of Traveller Education services has undermined this work. The Pupil Premium in England is based on the number of pupils who are or have been eligible for free school meals (FSM) and is indicative of household budgets and poverty levels. It provides extra resources in schools for disadvantaged pupils. Although not all Gypsy, Traveller or Roma pupils are receiving FSM, their needs are often not addressed or supported because of the limitations of the design of the Pupil Premium. This impacts more seriously on Roma migrant pupils where some families are debarred from claiming benefits on account of their employment and immigration status.

**Scotland:** The Scottish Traveller Education Project has noted that there are many concerns regarding successful outcomes in education for Gypsy, Traveller and Roma pupils that have not been addressed



over many years. It remains to be seen whether the developing Scottish education strategy will address these concerns.

**Wales:** In Wales, the policy documents, *'Travelling to a Better Future' Gypsy (2011)* and *Traveller Framework for Action and Delivery Plan (2013)* outlines the policy framework for Gypsy and Traveller education in Wales. Here the Traveller Education Support Services (TESS) seem to have fared better than their counterparts in England in terms of retaining service provision and supporting Roma pupils alongside Gypsies and Travellers (although the Roma have not been included in the Wales strategy).

**Northern Ireland:** The Department of Education recently issued a Traveller Child in Education Action Framework (2013). It is commendable that an independent Monitoring and Evaluation Group will be established to monitor the Action Framework and the group will report directly to the Minister (Roma are not included in the Framework).

## Employment

Analysis by the Office for National Statistics (2014) revealed that Gypsies & Irish Travellers were the ethnic groups with the lowest proportion of respondents who were economically active (47%, compared to 63% for England and Wales as a whole). Only half of those who were economically active were employed (51% compared to 75% for the total of England and Wales). Evidence exists that Gypsies and Travellers in Scotland and Northern Ireland also face high levels of economic exclusion. This report refers to troubling evidence of Roma being exploited in low paid waged employment or within the informal economy. It also notes a lack of targeted and bespoke business and employment support by the Department for Work and Pensions. The Scrap Metal Dealers Act has been the cause of serious concern for many Gypsy and Traveller communities and it is felt that the increased bureaucracy will have a detrimental impact on families within the traditional 'Traveller Economy'.

The Office for National Statistics (2014) revealed that 20% of The Gypsy and Irish Traveller category were unemployed (compared to 7% for the whole of England and Wales). Evidence exists also that Gypsies and Travellers in Scotland and Northern Ireland experience high levels of unemployment. There is no data on Roma unemployment.

## Welfare

The UK Department for Work and Pensions introduced the first wave of large welfare reform changes in 2013. Universal Credit (a single means-tested benefit which will be paid to people of working age) will be replacing many existing benefits. A benefit cap, which sets a limit on the total amount of benefits a person can get, means that some may lose part of their Housing Benefit. The report raises fears that the new bureaucracy and regulations are confusing Gypsies, Travellers and Roma. The benefit cap could penalise those with large families and force some out of social accommodation and back onto unauthorised encampments. Under new tighter rules that came into force on 1 January 2014, all EU migrants will have to wait three months before they can claim jobseeker's allowance and other out-of-work benefits. Concerns have been expressed that these new welfare regulations could force more Roma into dangerous and exploitative work practices within the informal economy and or under the control of gangmasters and other unscrupulous employers. The 'right to reside' and 'habitual residency' tests were referred by the European Commission to the European Court of Justice in 2013.

## Health

Significant health inequalities exist between the Gypsies/Travellers and the general population in England and the only national study ever conducted on their health found that they were significantly more likely



to have a long term condition and suffer poorer health and experience an earlier death than the general population (Parry et al 2004). Strong evidence also exists in Scotland and Northern Ireland of poor health outcomes for these communities. There is little research on the health of Roma people within the UK but one study found that the Roma community also had poor physical health, which was worse than amongst other socially disadvantaged and ethnic minority populations in the UK (Support Group's Mental Health Advocacy Project (2012). Official data on the health status of Gypsy, Traveller and Roma communities and their access to health services, is predominantly absent from national health data sets. With the new localism agenda there have been NHS reforms (Health and Social Care Act 2012 for England, Wales and Northern Ireland) that have resulted in new clinical commissioning groups (CCGs), who are now responsible for commissioning and organising health treatment undertaken for the NHS. The CCGs are responsible for deciding who will provide local health services when they are put out to tender but concerns have been expressed that private companies, which are competing to win NHS contracts, may not include services to vulnerable communities such as Gypsies Travellers and Roma communities (although there is still a legal duty on the Secretary of State to reduce health inequalities and to show continued commitment to the Equality Act (2010). In terms of positive practice, the Scottish Government in 2013 made a number of commitments to reduce health inequalities and they have funded NHS Education Scotland and Scottish Social Services Council to take forward work on workforce development in health and social care in relation to carers, including young carers, taking into account the needs of hard-to-reach groups, including Gypsies/ Travellers. This will include information on cultural competence guidance for local authorities. The Scottish Government also supports the proposal that other voluntary sector organisations draw on the work of the Minority Ethnic Carers of Older People Project with the aim of developing a network of expertise able to support both Gypsy/Travellers and health and social care workers across Scotland. It should be noted that Roma communities have not featured prominently in these discussions.

## Accommodation

It is impossible to overstate the importance of suitable culturally relevant accommodation to the life-quality of Gypsy, Traveller and Roma communities. Many Gypsy and Traveller communities still want to follow their traditional nomadic life but land laws and other policies are limiting their cultural traditions. Under the Housing Act 2004, local authorities are required to allocate land for Gypsy and Traveller sites to meet need but most authorities have failed to comply with this statutory obligation for the travelling population whereas they have done so for the settled population, and since it is against the law for Gypsies and Travellers to occupy land that has not been designated for this purpose, the continued and wilful failure to meet this duty is a key factor in continuing the inequality of approach to meeting Gypsy and Traveller Housing needs that remains prevalent throughout the United Kingdom. The failure to meet this statutory duty not only discriminates against Travellers in regard to a basic need for settled accommodation, but also leads directly to conflict with the settled population where Gypsies and Travellers find unsuitable land to develop since no land has been allocated for that purpose. This inequality of approach offends against the duties set out in the Equality Act but there is no easy mechanism in which this failure can be addressed by the Gypsy and Traveller Community. Further, approximately a fifth of the Gypsy and Traveller caravan-dwelling community lack access to an authorised pitch (stopping place) and the lack of legal stopping places combined with inadequate and unhealthy official sites, and failure to allocate land where Gypsy and Travellers can develop their own sites, means that many Gypsies and Travellers are often forced into bricks and mortar accommodation. However, for many members of the community, leaving their traditional life behind to move into conventional housing can produce social isolation and sometimes serious psychological and psychiatric problems, due to their cultural aversion to this form of accommodation and separation from their family and community. Limited UK action on facilitating nomadism is compounded by the fact that the European Union often does not pay full attention to the needs of nomadic Gypsies and Travellers.

The emergence of the Government's localism agenda has led to the abolition of Regional Strategies and the refusal of the Government in England to monitor properly whether local authorities are providing their five-year deliverable supply of sites. Additionally the Government is reviewing site developments even after they have been approved by the planning inspectorate. A number of contributors to this report have noted that this is unfair and potentially discriminatory and is causing tension and anxiety for Gypsy and

Traveller families. The Government's willingness to intervene in planning applications made by Gypsies and Travellers contrasts starkly with its unwillingness to take any positive steps to improve site provision and or force local authorities to meet their duties under the Housing Act to allocate land.

In terms of positive practice, the Welsh Government has recognised the cultural needs of some Gypsies and Travellers to remain nomadic and they have shown determination to break the negative cycle of conflict and exclusion caused by a shortage of sites but sadly this boldness and determination is lacking in the policies of England, Scotland and Northern Ireland. Indeed, a recent ministerial statement (2014) stated that the Government in England wants to consider the case for changes to the planning definition of 'travellers' to consider whether it should only refer to those who actually travel and have a mobile or transitory lifestyle. This announcement was made without any prior consultation with the community and there is a fear that the outcome of the proposed review will be to restrict the rights to culturally appropriate accommodation of community members forced into housing or who had to temporarily cease travelling because of health, education or other pressures and commitments. Such a measure could be in conflict with the European Convention on Human Rights. Gypsy and Traveller civil society groups support a definition based on a hereditary and cultural right and/or nomadism. While there is little research on the accommodation needs of Roma communities, this report has obtained evidence of the distressing living conditions of many Roma in the UK who are vulnerably housed in substandard private rented sector properties. More local authorities need to use their powers of enforcement against landlords who fail to carry out repairs or who harass their tenants. Many Romani tenants and other disadvantaged groups in the private rented sector would benefit from an efficient and fair system of rent regulation.

**Judicial Review and Planning Appeals:** In the past Judicial review has been one of the most important means by which the Government and other public bodies can be held legally accountable for the lawfulness of their decisions and actions, including their compatibility with the requirements of human rights law and failure to comply with their Housing statutory duties and the Equality Act duties. The current government's reforms of judicial review aim to limit access to legal aid (and so reduce the ability of Gypsies, Travellers and Roma to challenge unlawful decisions and or enforce their statutory rights), Time and time again we see Statutory and Equality duties not being complied with but with no access to an adequate remedy available to the Gypsy Traveller and Roma community due to the inability to finance any appropriate challenge and the difficulty of the Equality and Human Rights Commission to make such challenges due to their mandate and funding limitations. We also note that changes to planning time limits may have a particular impact on Gypsy and Traveller communities, as planning decisions can often raise issues about the right to respect for private and family life (Article 8, Human Rights Act) (British Institute of Human Rights: 2013)

**Inclusive Policy:** Some UK policy makers seem to consider that developing inclusion policies for Roma populations (including Gypsies and Travellers) runs counter to a favoured 'mainstreaming approach'. While care is needed with a targeted approach, in particular to avoid the creation of inferior or segregated/ghettoised services, carefully monitored and evaluated, targeted and flexible services hold the potential to significantly strengthen mainstream provision and enhance its relevance for Gypsies, Travellers and Roma. It is recommended that a close relationship should exist between mainstream and targeted support so that knowledge arising from, for example, a local pilot project is then fed back into the daily operations of mainstream service providers and becomes part of their activities. This can lead to progressive change within mainstream methods and approaches as the pilot facilitates new directions or becomes part of established services. Hence, the 'mainstreaming' mantra of policy makers may be needlessly inflexible and counterproductive. A key theme throughout the report is that many answers and solutions lie within the communities themselves. Gypsy, Traveller and Roma civil society has achieved much and has the potential to do much more. It can act as a bridge between the communities and policy makers, although evidence from the good practice case studies in this evaluation indicates that it is undervalued by the latter.

## Empowerment, Inclusion and Innovation

In the case studies we celebrate the pioneering and bold work being carried out by many dedicated workers from within and outside Gypsy, Traveller and Roma communities. The 'good practice' of service pro-

viders and Gypsy, Roma and Traveller civil society is in danger of evaporating because of the fragility and underfunding of this sector. Partnership and targeting appears to be at the heart of good practice but these lessons are being ignored or not sufficiently supported by the different administrations within the UK. It is not surprising therefore that the European Commission gave an overall poor assessment on the UK submission to the EU Roma Framework.<sup>1</sup>

The assessment covered six broad themes: i) Involving regional and local authorities; ii) Working closely with civil society; iii) Allocating financial resources; iv) Monitoring and evaluation; v) Measures to fight discrimination; vi) Measures to enable the national Roma contact points to work efficiently. These were divided into 22 areas e.g. dialogue set up; financial support for developing the capacity of civil society; increasing support among Roma of their rights. Four areas received a positive assessment from the EU, relating to:

1. dialogue set up;
2. dialogue with civil society at national level;
3. supporting the exchange of experience and cooperation among local authorities and
4. cooperation with national statistical offices.

The remaining 18 areas received a negative assessment, including mapping the situation of the communities and areas with extremely poor Gypsy, Roma, Traveller communities; allocation of resources to local and regional authorities; enforcing anti-discrimination legislation at local level; financial support for developing the capacity of civil society; involvement of civil society and Gypsies, Roma, Travellers at local level; involvement of local/regional authorities and civil society in planning the use of EU funds.

Gypsy, Traveller and Roma groups find themselves in general agreement with the pessimistic external assessments of the Commission There is a need for a serious review of policy and approaches in England and a strategic approach in Northern Ireland. Wales and Scotland have made an important start by developing a strategic approach but these approaches need to effectively involve the communities they impact upon.

## A Question of Money

The Equality Measurement Framework (EMF) is a means to measure the impact of policies on Gypsy, Roma and Traveller communities in the UK. This report presents grounds for serious concerns. The multiple forms of exclusion which beset these communities are being compounded by austerity cut backs, localism, and privatisation, which are putting people's health, life chances, security and culture at risk and or under threat (EMF tables at the end of each section give a detailed breakdown of the interaction between policy and the EMF).

Some might say in response to a call for greater financial support for targeted measures "All this costs money and we are in a recession!" Many of the stakeholders involved in this report would argue that 'equality' makes economic sense: well-resourced and targeted solutions will enhance peoples' capabilities and life chances thus improving their productivity, reducing their dependence on welfare or their need for health care. What is more, empowerment and partnership make sense by ensuring policies are informed and supported by those whom they affect, and developing new skills and confidence as they map and deliver policies which impact on their communities. Such sentiments should chime with themes popular with policy makers who are increasingly stressing the value of flexibility and partnership. Another economic key point to make is that decent accommodation including more sites and better and fairer rented accommodation will have a significant impact on the lives of Gypsies, Travellers and Roma. If an element of this provision is 'self build', this will cost the exchequer nothing and in fact will probably generate greater revenue as families can establish and or develop family businesses within the Traveller Economy.

1 The European Union and Roma – Country Factsheet: United Kingdom, [http://ec.europa.eu/justice/discrimination/files/roma\\_country\\_factsheets\\_2013/uk\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_country_factsheets_2013/uk_en.pdf).

## RECOMMENDATIONS

### Structural Factors (Engagement and Resources)

The UK Government's Ministerial Working Group ('MWG') on preventing and tackling inequalities experienced by Gypsies and Travellers were asked to address the Roma Integration Strategy Framework's requirements for the UK. They missed the deadline set by the EU for the submission of a NRIS but later published a list of 28 'proposed commitments'. However, these commitments seem to fall well short of the explicit measures that would need to be adopted in order to prevent and compensate for the disadvantages that Gypsies, Travellers and Roma face within our society (Willers and Greenfield 2012) and therefore the progress on Roma integration in the UK is exceptionally slow or absent in many policy areas. A detailed programme of integration strategies and measures is urgently required for the whole of the UK, as identified by the EU Roma Integration Strategy (including action plan, timeframes, resources and addressing the explicit needs of Gypsy, Roma and Traveller women and children). We recommend that the strategy should encompass the following points outlined below.

#### *Priority and Urgent Actions for UK Administrations*

Gypsy, Roma and Traveller integration in policy:

1. Dedicated civil service units focused on Gypsies, Travellers and Roma. These should be created within the four UK administrations (offering cross-departmental coordination), with strong links to the communities, actively working through a community steering group/Task Force and involving them in framing, monitoring and evaluating a National Gypsy Traveller and Roma Integration Strategy (NGTRIS) and matters relating to discrimination, education, welfare, employment, accommodation and health.
2. The lack of inclusion of Roma in any of the existing consultative mechanisms at national level needs to be remedied as a matter of urgency. Racial equality should underpin government structures and policy in the four administrations. The proposed Task Groups should have a social inclusion remit and provide advice, guidance and liaison to the UK Government.
3. A strategy for the inclusion of Gypsies, Travellers and Roma as separate categories in ethnic monitoring data is needed in order to understand the impact of government policies on Gypsy, Traveller and Roma communities.

**Community engagement:** The Gypsy/Traveller National Strategy Stakeholder Group in Scotland is a potentially encouraging development towards a strategy guided by the EU principles for Roma inclusion. Similar national consultative bodies to guide a strategy are needed in England, Wales and Northern Ireland.

**Funding:** Targeted funding is required to build capacity and retain and expand the fledgling Gypsy, Traveller and Roma civil society organisations in order to support the integration of the communities and to ensure they have equal access to services and civil society. Funding is also needed to conduct research to identify and disseminate good practice partnership between Gypsy, Traveller and Roma community groups and local service providers

#### *Long Term Action for UK Administration*

**Culture and identity:** A 'Gypsy and Traveller' Working Group representative of those particular peoples should be set up in relation to "gypsy status" so that a relevant definition can be discussed and agreed.

### *Actions for Other Stakeholders*

Local authorities and other local institutions need to be more proactive in engaging with GTR communities. GTR communities need to support and develop more community organisations (but as noted this will require resources and support from decision makers)

## **Discrimination**

### *Priority and Urgent Actions for UK Administration*

1. The funding of the EHRC and Equality Commission in Northern Ireland needs to be restored to ensure that marginalised communities, including Gypsies, Travellers and Roma communities, have access to services that maintain their human rights. Within the EHRC there needs to be a targeted and high profile campaign to forge links with Gypsy, Traveller and Roma communities and support legal cases and campaigns which can promote tolerance and non-discrimination towards these minorities. An advisory committee, which includes community members is needed to assist in raising the profile of work by the EHRC on Gypsy, Roma and Traveller communities.
2. A UK National Gypsy Traveller and Roma Integration Strategy should make explicit reference to the needs of women and children and organise specific consultations with these groups. Ideally this should form a key component of the work of the proposed Gypsy, Traveller and Roma Taskforces. Ofsted/the Children's Rights Director should report on experiences of children from Gypsy, Roma and Traveller communities, particularly in care.
3. There is an urgent need for the UK Government to review its policy towards migrants from the EU and address actions which are discriminatory and or impede inclusion, particular reference needs to be paid to new welfare restrictions.

### *Long Term Action for UK Administration*

4. There should be no dilution of the Human Rights Act or the UK's commitment to the European Convention on Human Rights and the Public Sector Equality Duty must be retained to ensure that everyone has equal rights and equal access to public services.

### *Actions for other Stakeholders*

5. Politicians, at a local and national level, as well as the media need to be more sensitive in the language and rhetoric they employ regarding Gypsies, Travellers and Roma and avoid words and deeds that can give credence to negative stereotypes.

## **Education**

### *Priority and Urgent Actions for UK Administrations*

There is a need to:

1. Ensure that all educational policy, provision and practice complies with the EU 10 basic principles of Gypsy Roma and Traveller inclusion and the Council of Europe Recommendations; and is compliant with national and other international laws, Conventions and Directives; and promotes a flexible and inclusive education system for Gypsy, Traveller and Romani learners at all levels of education from nursery to adult and lifelong learning to deter exclusion and segregation.
2. Extend the criteria for the Pupil Premium payments to include alongside free school meals, pupils belonging to groups regarded as vulnerable and or at risk in education, thus drawing on the policy in Northern Ireland.
3. Extend the criteria for the free nursery provision for two year olds to specifically include Gypsy Traveller and Romani young children.

4. Abandon the threat of repeal of Section 444 (6) of the 1996 Education Act and improve distance-learning support.

#### *Long Term Action for UK Administrations*

5. Fully implement the recommendations of the Committee of Ministers on the Education of Roma and Travellers (CM/Rec (2009) 4) – to which the UK is a signatory.
6. Ensure that the school curriculum for all pupils is appropriately and explicitly inclusive of the history, culture and language of Gypsy, Traveller and Romani people and the history curriculum for all secondary aged pupils should include the Roma and Sinti Holocaust.
7. Deliver detailed and robust guidance for working with Gypsy, Traveller, Romani pupils which should be explicitly detailed and promoted in Department of Education and Ofsted guidance, and in parallel guidance in Scotland, Wales and Northern Ireland, and ensure that school inspectors are adequately trained about the heritage backgrounds and circumstances of Gypsy Traveller and Roma children and young people.
8. Restore the central funding and actively promote Gypsy Roma and Traveller History Month to improve cultural understanding and celebrate community heritage.
9. Provide sufficient specialist staff and resources in order to secure greater inclusion, participation and achievement. This involves the extension of the Virtual Head Teacher schemes and or the preservation and extension of Traveller Education Support Services in England, or similar services in Wales and Northern Ireland and of the Scottish Traveller Education Project.
10. Introduce the recommendations of the national review (Badman, 2009) of Elective Home Education in England including a national registration system and improve and ensure local authority access, monitoring and support.

#### *Actions for Other Stakeholders*

School staff and leadership and the communities they serve must be proactive and diligent in ensuring that schools are inclusive and welcoming to GTR pupils.

## **Employment and Welfare**

#### *Priority and Urgent Actions for UK Administrations*

There is a need for:

1. The benefit cap to be revised, in particular in high rental areas, as this is having a detrimental effect on many poor families including Roma, Gypsies and Travellers.
2. Review of the implementation of the Scrap Metal Dealers Act and its impact on Gypsies and Travellers and exploration of the feasibility of a family license rather than an individual license and this could include a license that can cover more than one district or borough.

#### *Long Term Action for UK Administrations*

3. Effective and specialist outreach and support to be available to help Gypsies, Travellers and Roma to develop their businesses (and/ or access the welfare system). Support and funding should be provided through targeted projects delivered by Gypsy, Traveller and Roma community groups acting as advice centres, offering liaison and training to Department of Work and Pensions staff.
4. Greater efforts to promote the use of European Union funding and to encourage Local Enterprise Partnerships to be proactive in liaising with Gypsy, Traveller or Roma groups and promoting Community Led Local Development.



### *Actions for Other Stakeholders*

Jobcentres and GTR community organisations should be proactive in developing outreach with GTR communities and understanding their economic needs and aspirations.

## **Health**

### *Priority and Urgent Actions for UK Administration*

- The health status of Gypsies and Travellers is much poorer than that of the general population. The UK Government must address the inequalities experienced by these communities in accessing health services. This should include setting health targets with targeted improvement programmes (see the United Nations Committee on the Elimination of Racial Discrimination: 2011:9). In addition there is a need for a national Gypsy, Traveller Roma health survey, in order to understand the health status and needs of the communities.
- The Government should initiate a Dataset Change Notice mandating the use of the 2011 Census Ethnic Group classification and include Roma people.

### *Long Term Action for UK Administration*

- The UK Government should develop a clear strategy for more effective consultation with Gypsy, Traveller and Roma communities to ensure that these groups are involved in the development and commissioning for services to include their communities.
- Published research on the health needs of the Gypsy, Traveller and Roma population is sparse. There is a need for both further research into the health of Gypsy, Traveller and Roma people and also for interventions that improve their health.

### *Actions for other stakeholders*

- General Practitioners, health watchdogs and champions and GTR community organisations should be proactive in developing outreach with GTR communities and understanding their health needs and how these can be addressed.

## **Accommodation**

### *Priority and Urgent Actions for UK Administration*

There is a need for:

- A duty to provide or facilitate the provision of sites. Wales has set an important example which should be followed in England, Scotland and Northern Ireland.
- Independent body/bodies to be established to monitor and benchmark needs assessments and site delivery and monitor the outcome of Gypsy and Traveller planning applications across the UK as a whole.
- The use of new enforcement powers only to be permitted where local authorities have met their requirements to identify a five-year supply of sites.
- The Secretary of State for Communities and Local Government to cease recovering Gypsy and Traveller planning appeals in the Green Belt.
- Governmental agencies to provide new guidance to local authorities on negotiated stopping and temporary tolerated sites and on mapping traditional and potential stopping places and promoting cooperation between authorities to provide networks of transit sites and stopping places (possibly making use of the Duty to Cooperate on local authorities).



- Urgent action to make legal aid accessible and inclusive and to restore legal aid for Housing Law (which incorporates Gypsy and Traveller accommodation issues).
- More local authorities need to use their powers of enforcement against landlords who fail to carry out repairs or who harass their tenants. Many Roma tenants and other disadvantaged groups in the private rented sector would benefit from an efficient and fair system of rent regulation.

#### *Long Term Action for UK Administration*

- Funding for the building and renovation of sites to be increased to tackle the chronic shortage of sites.

#### *Actions for Other Stakeholders*

- Local authorities must be more proactive in delivering and facilitating decent accommodation for GTR communities and realise that such action reduces enforcement costs and community tensions. The European Union should be more proactive in supporting nomadic lifestyles.



## LIST OF ABBREVIATIONS

<b>ACERT</b>	Advisory Council for the Education of Romanies and Travellers
<b>BHSCT</b>	Belfast Health and Social Care Trust
<b>CLLD</b>	Community Led Local Development (CLLD)
<b>CMWG</b>	Cross Ministerial Working Group
<b>COSLA</b>	Convention of Scottish Local Authorities
<b>CRC</b>	Convention on the Rights of the Child
<b>DCLG</b>	Department for Communities and Local Government
<b>ECtHR</b>	European Court of Human Rights
<b>ECNI</b>	Equality Commission Northern Ireland
<b>EHRC</b>	Equality and Human Rights Commission
<b>EOC</b>	Equal Opportunities Committee (Scottish Parliament)
<b>ERDF</b>	European Regional Development Funding
<b>EF</b>	Exceptional Funding
<b>ESF</b>	European Social Fund Advisory Council for the Education of Romanies and Travellers (ACERT)
<b>ESOL</b>	English as a second or other language
<b>EU Framework for NGTRIS</b>	National Gypsy Traveller Roma Integration Strategies
<b>FLEX</b>	Focus on Labour Exploitation (FLEX)
<b>GIRFEC</b>	Getting It Right For Every Child
<b>GTLG</b>	Gypsy and Traveller Liaison Group
<b>GP</b>	General Practitioner
<b>HRA</b>	Human Rights Act
<b>LASPO</b>	Legal Aid, Sentencing and Punishment of Offenders Act 2012.
<b>LGA</b>	Local Government Association
<b>LEPs</b>	Local Enterprise Partnerships
<b>MECOPP</b>	Minority Ethnic Carers of Older People Project
<b>NHS</b>	National Health Service
<b>NIHRC</b>	Northern Ireland Human Rights Commission
<b>NFGLG</b>	National Federation of Gypsy Liaison Groups
<b>NIHE</b>	Northern Ireland the Housing Executive
<b>PSED</b>	Public Sector Equality Duty
<b>SNAP</b>	Scotland's first National Action Plan
<b>SHRC</b>	Scottish Human Rights Commission
<b>TAT</b>	Travellers' Advice Team
<b>WLGA</b>	Welsh Local Government Association
<b>WMP</b>	Wales Migration Partnership

# INTRODUCTION

The authors and contributors to this research hope this report can make a difference by persuading policy makers to devise more inclusive policy frameworks through the European Union Framework for National Roma Integration Strategies that was established in 2011 calling on EU member states to devise National Action Plans that improve inclusion for Gypsy, Traveller and Roma communities. The European Commission is providing guidance and monitoring for these plans and a key emphasis is partnership with Gypsy, Traveller and Roma communities in the design, delivery and monitoring of resulting policies. The EU Roma Framework encompasses Gypsy, Traveller and Roma communities and is hereafter referred to as the EU Gypsy, Traveller and Roma Framework for National Roma Integration Strategies (EU NGTRIS) The report seeks to give an overview of a wide range of policies across the four countries of the UK and how they impact upon Gypsy, Traveller and Roma communities and is intended as a tool to allow policy makers and civil society to not only measure progress within the EU NGTRIS through a substantive body of evidence but also act as a catalyst for debate and discussion prompting improvement and refinement of inclusion policies for these communities. The reader will appreciate that such a review has not been an easy task given the diversity of the communities and the complexity of the often multiple forms of exclusion which they face.

## Who is the Report About?

Originally Romani/Gypsy people migrated from India. Cultural identity is important and it is also important to note that the Gypsy way of life is a cultural tradition which has developed in the UK, dating back to the early 15<sup>th</sup> Century. The name Gypsy came from the mistaken belief that Gypsies came from the Middle East. The community were named Egyptians, hence the word Gypsy. There were a number of "Egyptian Acts" placed into statute against the Gypsy community.

Irish Travellers are a separate ethnic group. They do not originate from India and evidence exists to suggest this group has an ancient lineage from within Ireland. Irish Travellers migrated in higher numbers in the 1950s and 1960s to the UK mainland due in part to restrictive measures against nomadism. Further migration followed due to the Housing (*Miscellaneous Provisions*) Act 1992 This gave powers to local authorities to move temporary dwellings. The Housing (Miscellaneous Provisions) Act 2002 makes trespass a criminal offence and allows for confiscation and impounding of caravans by the Gardaí to move families without notice or a Court order.

Gypsies and other travelling communities were subjected to persecution from the early Egyptian Acts and in the earlier part of the 17<sup>th</sup> century when anti-vagrancy legislation led to forms of state persecution and control, a theme which many Gypsies and Travellers feel resonates today. Gypsies and Irish Travellers and other travelling communities like Scottish Gypsy Travellers and Show People have traditionally had close-knit family structures centred on intense social networks. All prefer work organised around kin-groups and self-employment. At the heart of the Gypsy and Traveller economy are concepts of mutualism and collectivity, terms which have undergone a renaissance in recent political discourse.

Roma migration to Britain was renewed after the fall of communism in 1989. It is important to remember that many families were refugees fleeing from crisis for example from the former Yugoslavia and pogroms in Romania. They come from sedentary communities. The Roma are not a homogeneous group, they have a great diversity of language, tradition, culture and religion dependent on their country of origin.

The Research Working Group for the Inclusion Health Board recently noted Gypsy and Traveller communities are "... a population that could reasonably be argued is vulnerable at a *group* level, for example, its health status is much worse than that of the general population and even socio-economically matched comparators and levels of educational attainment, school exclusions, absences from school, and eligibility for free school meals clearly place the group as an outlier. Moreover, the group probably has the most severe and consistent experiences of racism of any group".<sup>2</sup> Recent research also suggests Roma communities are highly vulnerable in the UK.<sup>3</sup> The EU NGTRIS presents an important opportunity to reflect on these inequalities and find a way forward through the EU NGTRIS.

## The Team

Civil Society, or what is referred to as the third sector, according to the European Commission "are vital partners for decision-makers, as they are best placed to know a population's needs in terms of development... The role of civil society organisations is growing from being implementing partners to sharing more responsibility with the state on poverty reduction, as the developing countries claim ownership of their own development".<sup>4</sup> Reflecting these sentiments the European Commission views civil society as a key partner in the development of the EU NGTRIS. Civil Society is at the heart of this report. It was funded by the civil society organisation the Decade of Roma Inclusion Secretariat Foundation and was based on a template survey they designed to evaluate EU member states' progress on the EU NGTRIS. In addition the National Federation of Gypsy Liaison Groups (NFGLG Siobhan Spencer MBE and Adrian Jones) project managed the research. The research and drafting being undertaken by University of Bristol researchers (Dr Andrew Ryder and Dr Sarah Cemlyn) who have a long standing record of participatory research with Gypsies, Travellers and Roma.

A key aspect of the research has been the work of a team of community interviewers, who are prominent Gypsy, Traveller and Roma community members (Helena Kiely, Johanna Price, Assen Slavchev, Janie Codona, Przemek Kierpacz, Michael Daduč, Valerie Elliot, Tom McCready, Muzelley McCready and Article 12, a youth and equality group in Scotland), in Wales – Isaac Blake, Brigitta Balogh (The Romani Cultural and Arts Company) and in Northern Ireland the Traveller organisation An Munia Tober worked with Belfast Health and Social Care to collect data through two focus groups. The Multi-Faith Centre at the University of Derby and Roma Community Care helped collect detailed data on Roma communities in Derby. The evaluation has also involved an advisory Peer Review Panel of established experts (Peer review group lead Dr Pauline Lane – health and social care, Alan Anstead – equalities, Marc Willers – law including EU law, Chris Johnson-specifically Gypsy and Traveller law, Arthur Ivatts OBE – education) with Angus McCabe of the Third Sector Research Centre at the University of Birmingham also acting as a 'critical friend' in the review process.

The report details progress in the UK overall, in England and in Scotland, Wales and Northern Ireland which have devolved administrations and thus have responsibility for a number of policy areas which impact on Gypsies, Roma and Travellers. These responsibilities are set out in a table in appendix one.

## Methodology

This research has adopted a mixed methods approach and has utilised statistical data and a major review of recent literature and research. In accordance with the 10 Principles of the Roma Platform the evaluation has sought to empower and give voice to community members in the research process. Community members have project managed the evaluation, and have actively been involved in the design, data collection and analysis. Through 140 interviews the community interviewers collected information, views and experienc-

- 2 Aspinall, P (2014) Hidden Needs – Identifying Key Vulnerable Groups in Data Collections: Vulnerable Migrants, Gypsies and Travellers, Homeless People, and Sex Workers.
- 3 Brown, P, Scullion, L and Martin, P (2013) Migrant Roma in the UK – University of Salford.
- 4 [http://ec.europa.eu/europeaid/who/partners/civil-society/index\\_en.htm](http://ec.europa.eu/europeaid/who/partners/civil-society/index_en.htm).

es from civil servants, politicians, service providers, local government, civil society community groups, and a wide range of community members who talked about the impact on their lives of the policies discussed in this report. In Northern Ireland two focus groups were organised of community members (one consisted of 11 female Travellers and the other was composed of 20 mixed gender Roma). Thus civil society and community voices are at the core of this report and provide a platform for marginalised people to reflect on the workings and manifestations of power.

In the absence of a UK Integration Strategy, a large number of UK policy documents were also analysed to develop this report. Another important means by which we were able to engage with community members was at the Gypsies, Travellers and Roma Communities' National Conference in February 2014 which was organised by the Travellers Aid Trust. Part of the conference was devoted to a presentation by the NFGLG on this research project and conference participants were able to express their views on UK progress. The findings of the report were further tested and deliberated on through a discussion between the researchers and community interviewers in Birmingham in May 2014.

The report uses the framework provided by the Decade of Roma Inclusion Secretariat Foundation. An additional research frame which provides a complementary perspective to the Decade Secretariat framework is the Equality Measurement Framework (EMF), devised by the UK Equality and Human Rights Commission. The EMF uses a list of 48 'indicators' to cover a range of fundamental issues and consider whether individuals and groups have equality of access and outcomes within these domains. The development of the EMF was based on the capability approach developed by Amartya Sen and the international human rights framework.<sup>5</sup> The measures include health status; ability to engage in lifelong learning; achieving an adequate standard of living; physical and legal security, and the right to self-expression. The EMF aims to monitor how people (as a group) are achieving; how they are treated by other members of society; and the level of choice and control they have in various aspects of their lives. The findings using the EMF are represented in a table at the end of each section.

### THE CASE IN SUPPORT OF THE CIVIL SOCIETY MONITORING REPORT

*The following report is divided into sections dealing with: Structural Requirements (engagement, civil society and resources), Anti-Discrimination, Education, Employment, Health and Accommodation. The report presents the evidence collected in this evaluation and provides analysis as to progress made and ongoing obstacles to inclusion and how effectively policies are surmounting them. The final section deals with good practice case studies which explain how a range of initiatives are overcoming exclusion and could be replicated more widely.*

5 The Equality and Human Rights Commission (2014) Equality and Human Rights Framework, <http://www.equalityhumanrights.com/key-projects/equality-measurement-framework>.

# 1. STRUCTURAL REQUIREMENTS

## Where, to Whom and How Should Resources be Distributed: Population, Size, Location and Knowledge

Key questions for policy makers are: How many Gypsies, Travellers and Roma are there? Where are they? What are the problems they experience? This ideally should have implications for resource allocation, engagement and policy development. However, as will be evident these questions are not always asked or effectively answered.

The EU Roma Framework calls for a 'comprehensive approach to Gypsy, Traveller and Roma integration', by advocating that strategies be strongly monitored and that disadvantaged micro-regions or segregated neighbourhoods be identified to target measures connecting with all policy areas. In terms of such action a major step in such a task is to have a picture of the size and location of Gypsy, Traveller and Roma communities, here though there are several causes for concern. There are currently serious gaps in knowledge in the UK in terms of identifying the location and levels of inclusion/exclusion experienced by Gypsies, Travellers and Roma, and they are often excluded from national data sets or the ethnic monitoring. It is also notable that self-ascription rates are often low, as community members fear being discriminated against. For example there is a biannual count of caravans specifically for Gypsy and Traveller families conducted by local authorities but it has long been criticised for variability and undercounting.

Since 2004, local authorities have been obliged to undertake Gypsy and Traveller Accommodation Needs Assessments but the quality has been variable, in part because of a lack of robust guidelines. The 2011 census included for the first time an ethnic category for Gypsies and Irish Travellers and the outcome of the census indicated there are 54,895 Gypsy and Traveller persons living in England and 2,785 in Wales equating to 0.1% of the population of England and Wales, with a further 4,200 in Scotland and 1,300 in Northern Ireland. However, civil society groups, service providers and experts agree that this is a gross under calculation as many community members would have been afraid to self-identify for fear of discrimination. While Gypsies and Travellers were included in the 2011 census, it did not include people who identify as Roma. Robust guidance for conducting Gypsy and Traveller Accommodation Needs Assessments and wider institutional ethnic data collection and monitoring could address gaps in information until increased ascription rates improve the accuracy of data collected in the census. In Scotland Housing Need and Demands Assessments (HNDA) and Local Housing Strategy guidance is currently being updated. The Scottish Government has stated it will ensure that revised guidance is "robust on the requirements for assessing and considering the accommodation needs of the Gypsy/Traveller community"<sup>6</sup> The biannual count was scheduled to resume in Scotland in 2012. With reference to Northern Ireland the Housing Executive (NIHE) is scheduled to complete its third Accommodation Needs Assessment in 2014<sup>7</sup> and in 2012 included questions on Roma families in their annual Black and Minority Ethnic survey.

Difficulties exist in efforts to estimate the migrant Roma community in the UK. The UK government indicated in its submission for the EU Roma Framework that there is no reliable data on the number of Roma in the UK. However, a recent study by the University of Salford estimated that there could be 200,000 Roma in the UK. The great majority, 193,297, were estimated to be in England, with 3030 in Scotland, 878 in Wales

6 Scottish Government response to recommendations. Equal Opportunities Committee – 1<sup>st</sup> Report, 2013 (Session 4) "Where Gypsy/ Travellers Live". June, 2013, 3 and 5.

7 <http://www.nihe.gov.uk/travellers>.



and 500 in Northern Ireland. The UK government has not endorsed the figures from the study. Failure to recognise that the UK has a sizeable Roma community is impeding the direction of resources to Roma communities within the UK and from EU sources of funding.<sup>8</sup>

### *A Question of Definition*

Who is involved and how they are affected by policy is also influenced by the matter of definition. The debate on defining Gypsy and Traveller communities is contentious and not at all simple. First there are a number of different and diverse communities but it is also complex as different definitions exist in equality, housing and planning legislation (The various definitions in law are set out in appendix two).

What is also a source of concern is how policy makers have used 'definition' as a tool to undermine or cause division between the communities under discussion. In recent times we have seen a Home Secretary and other politicians imply there are no longer any "real Gypsies" and even some Members of Parliament and councillors who have argued that Irish Travellers should not have the same rights as Gypsies and thus not have rights to Traveller site provision. Therefore it should not surprise the reader that a range of respondents to this evaluation are deeply concerned by a ministerial statement issued in 2014 which indicated that the Government in England wants to consider the case for changes to the planning definition of 'travellers' to reflect whether it should only refer to those who actually travel and have a mobile or transitory lifestyle. This will restrict and limit the accommodation rights of community members forced into housing or who had to temporarily cease travelling because of health, education or other pressures and commitments. Gypsy and Traveller civil society groups support a definition based on cultural hereditary rights or nomadism and believe that such a definition is the most inclusive term for the diverse range of UK travelling communities. Roma are recognised as an ethnic group within the UK as a result of their inclusion within the Equality Act 2010.

## **Engagement**

"I think personally certain Gypsy and Traveller groups are trying to engage with the powers that be and sometimes it's good but I personally think it's a case of you know tick box exercises mostly I think they get a Traveller or Gypsy on board different authorities and ...say that 'we've talked to the Gypsies and Travellers and they say this, they say that' I think it's not enough to be listened to".<sup>9</sup> Roma respondents expressed similar frustrations. The Northern Ireland Roma focus group noted: "The participants confessed that they are not used to 'politicians' trying to engage with Roma people and caring for their needs. As a result they had no such expectations from the local politicians/ policy makers either. The reality is that they have never spoken to a local politician and nobody tried to talk to them."

## **Progress in England**

### *Mainstreaming and Localism*

Responding to this evaluation a senior advisor in DCLG informed us "The Government's approach to tackling the challenges posed by racial inequality and discrimination in England is therefore not based on singling out individual ethnic groups, but instead on promoting social and economic integration... The devolved administrations in Scotland, Wales and Northern Ireland are pursuing analogous policies appropriate to their own circumstances".<sup>10</sup> The English Government has resisted developing a strategy on ac-

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8 Brown, P. Martin, P and Scullion, L (2014) *Migrant Roma in the United Kingdom and the need to estimate population size – People, Place and Policy* Volume 8 – Issue 1. The estimate by Salford University has not been met with universal support, some critics have questioned the methodology and accuracy of the survey.

9 Anon interview conducted by Muzelly McCready – February 2014.

10 Written response from Senior Adviser at DCLG February 2014.



count of its belief in 'localism' which appears to preclude strategic national thinking.<sup>11</sup> In combination with its localist approach the Government advocates 'mainstreaming' and does not sanction targeted and tailored strategies. So it would seem that with the development of the localism agenda, English local authorities now have the major responsibilities for the integration of Gypsy, Irish Traveller and Roma populations; yet, as there are no targets or monitoring mechanisms, it is difficult to see how the integration of Gypsy, Irish Traveller and Roma will be achieved or evidenced.

In evidence to the House of Commons European Scrutiny Committee, (11 May 2011) the then Minister for Housing and Local Government, Grant Shapps MP, argued that a National Roma Integration Strategy was not relevant for the UK because a separate strategy might impose unhelpful targets and be a burdensome reporting requirement. The Government still appears to be reluctant to introduce targets.<sup>12</sup> In a letter to a senior advisor in DCLG we asked whether the CMWG (Cross Ministerial Working Group established to facilitate governmental coordination) had considered the European Commission assessment of the UK submission to the EU Framework for NGRTIS, which identified a range of gaps in the UK submission including a lack of quantifiable targets and gave 18 out of a possible 22 negative indicators. In his response to this question the DCLG advisor replied "The UK government has a good working relationship with the Commission on Roma (including Gypsy and Traveller) issues, but that does not mean it is in agreement with them on everything. It is also important to note that the issue of Roma integration is primarily the responsibility of the Member States, rather than the Commission, which has limited competence in this area."<sup>13</sup> We were informed by the senior DCLG advisor that civil servants disagreed with the European Commission assessment, yet no written response was prepared and there appears to have been no focused discussion of the assessment by the CMWG. Alas the authors of this report feel the comments and inaction in response to the European Commission assessment reflect a continued lack of vision and innovation on the part of the CMWG and Government.

The lack of a National Integration Strategy has had serious consequences according to Baroness Whitaker, Chair of the All Party Parliamentary Group for Gypsies, Roma and Travellers<sup>14</sup> "looking at the national situation there has been very, very little change in outcomes for Gypsy, Traveller and Roma children and adults on health, on housing, on education, criminal justice in so far as we have the figures ... there's no systematic national approach there are just a few good initiatives here and there, some from Local Authorities, some from voluntary groups and very few from the Government. So I think that the European Commission's got it right in their opinion of how we are doing (reference to poor assessment given to the UK submission)".<sup>15</sup>

One practitioner respondent to the evaluation stated "I personally have concerns with the use of the word 'integration'. It can be used to attempt to enforce a loss of traditions and identity. Where integration means a breaking down of barriers to inclusion and communication by promoting better mutual understanding and respect I can go along with that."<sup>16</sup> Some observers feel though that the Coalition Government has embraced the more narrow vision of integration. The Coalition Government strategy on integration and its broader philosophical framework on minority group treatment are set out in '*Creating the conditions for integration*' (2012).<sup>17</sup> The report reflects the trend where UK decision makers have disparaged multiculturalism and increasingly offered a 'one size fits all' menu of policy interventions reflecting this narrow interpretation of integration. As argued by Bourne (2006)<sup>18</sup> prevailing philosophies on diversity have come full circle with a reduction in respect of 'difference' and a return to explicit assimilation policies under the rubric of an 'integration agenda'. The landmark Parek report was stark in its warning of the dangers of narrow integrationism which was viewed as "a one-way process in which minorities are to be absorbed into the non-existent homogeneous cultural structure of the 'majority'".<sup>19</sup>

11 Craig, G (2013) EU Network of Independent Experts on Social Inclusion – Assessing the implementation of National Roma Integration Strategies (Ad hoc request – 3) United Kingdom – (2013).

12 European Scrutiny Committee (2011) <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeuleg/428-xxvi/42809.htm>.

13 Written response from Senior Adviser at DCLG February 2014.

14 The All Party Parliamentary Group is a caucus of MP and Peers interested in Gypsy, Roma and Traveller issues. The interview with Baroness Whitaker was conducted in February 2014.

15 Interview conducted by Tom McCready February 2014.

16 Interview conducted by article 12.

17 CLG (2012) *Creating the conditions for integration*. London. Communities and Local Government.

18 Bourne, J. (2006) 'In Defense of Multiculturalism', Institute for Race Relations Briefing Paper No. 2.

19 Richardson, R. (ed.) (2000) 'The Future of Multi-Ethnic Britain – The Parekh Report', London, Profile Books, preface, x.

Localism has equally been disparaged by civil society respondents in this evaluation as parochialism which disadvantages Gypsy, Traveller and Roma communities in settings where there are vested interests or there is limited awareness of equality and diversity matters. David Blunkett MP described localism as follows “It’s an excuse for washing your hands of challenges rather than being supportive to them.”<sup>20</sup> As will be evident in the review of progress in England, the Coalition Government’s ideological commitments may be primary factors in stifling new directions and strong local and national leadership which is inclusive.

### *Ministerial Coordination*

In England the Department for Communities and Local Government (DCLG) is the national contact point and has led on coordination of different departments. It provides the secretariat for the Cross Government Ministerial Working Group on Gypsy and Traveller Inequalities (CMWG) established by the Government. Within this Department, the Integration and Community Rights Directorate hosts the civil servants that lead on Gypsy and Traveller issues. Concerns have been expressed by third sector groups that Gypsies, Roma and Travellers come under the portfolio of responsibilities held by Brandon Lewis MP, Under Secretary of State at DCLG, which also includes local government, fire and resilience, high streets, town centres and markets and community pubs. Civil Society representatives have expressed a desire to see these communities come instead under the ministerial race equality portfolio in DCLG.<sup>21</sup> The CMWG issued an interim report on progress in 2012. In the foreword to the report, the Under Secretary of State at DCLG Andrew Stunell MP stated:

*“Across Government we are very concerned that Gypsies and Travellers are being held back by some of the worst outcomes of any group across a range of social indicators. The Ministerial Working Group therefore brought together ministers from key government departments under the chairmanship of the Secretary of State for Communities and Local Government to look at ways to reduce and tackle these inequalities. This supports our commitment in the Coalition Agreement to promote improved community relations and opportunities for ethnic minority communities.”<sup>22</sup>*

However, as this report will illustrate, little progress has been made to reduce inequalities and improve integration for Gypsy, Irish Travellers or Roma communities across the UK. As will be demonstrated in later sections of this report, the authors of this evaluation have concerns as to the progress, effectiveness and allocated resources attached to the CMWG 28 commitments and its lack of strategic thinking or support for targeted measures. There have been repeated and numerous requests by Gypsy, Traveller and Roma groups for the Government to develop an ‘Integration Strategy’ and thus rethink its policy direction, but these have been rejected in support of what the Government claims is a mainstreaming approach.<sup>23</sup> It is a cause of concern that the CMWG does not contain direct community representation and or more actively involve the communities in the design and delivery of their work. A major concern of respondents to the evaluation was the failure to engage with the communities and develop a strategy. For example, Chris Whitwell Director of Friends, Families and Travellers informed this evaluation that the CMWG met, with little or no input from NGOs or other stakeholders, before producing a Progress Report in April 2012. Whitwell stated:

*“The report was met with considerable disappointment by the key Gypsy/Traveller/Roma stakeholders since it contained little that was new, and did not sufficiently address the key issues of lack of site provision and discrimination. Since the publication of the Progress Report nearly two years ago there has been only silence emanating from the UK Government. The Department of Communities and Local Government agreed to hold meetings with a stakeholder group of the key NGOs but these meetings*

20 Interview conducted by Siobhan Spencer February 2014.

21 Submission from FFT to UK Monitoring review (2014).

22 Department for Communities and Local Government (2012) *Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers.*

23 The justification provided for not developing a strategy was that the Council Conclusions agreed by the EU Member States at the Employment, Social Policy, Health and Consumer Affairs Council on 19th May 2011 do not require Member States to produce national Roma integration strategies, but leaves them with wide flexibility to develop sets of policy measures within wider social inclusion policies, as an alternative to producing national strategies. Instead the UK Government formulated 28 action points.

*are only attended by civil servants and do not amount to any meaningful dialogue between the Gypsy, Traveller and Roma communities and Government Ministers. It is not clear to us what follow up work, if any, the Ministerial Working Group is doing, nor indeed whether it is still meeting."*

Whitwell informed the evaluation he had asked the questions outlined above of the Department of Communities and Local Government under the Freedom of Information Act but the Government claimed exemption and declined to give this information. It is likely that Friends, Families and Travellers will be referring this matter to the Information Commissioner as they believe that the UK Government should be involving NGOs in the work of its Ministerial Working Group.<sup>24</sup>

The CMWG has also been criticised for ignoring the situation of migrant Roma communities in the UK. The only "proposed commitments" which relate to Roma in the CMWG's list are those advanced by the Department for Education and there is no discussion of Roma in the other fields. This surprising omission was therefore also reflected in the UK submission to the EU Framework for NGTRIS which focused on the 28 commitments.

### *The Gypsy Traveller Liaison Group*

At the request of the National Federation of Gypsy Liaison Groups (NFGLG) a Gypsy and Traveller Liaison Group (GTLG) was convened by the Department of Communities and Local Government. The Forum has met four times since 2013 and discussed a broad range of topics of relevance to the EU NGTRIS.

The NFGLG has provided a liaison service for the forum but does not receive any funding for this role. At the GTLG there are a broad range of groups representing the diverse Gypsy, Traveller and Roma communities from the different English regions. The NFGLG has a longstanding interest in gender equality and ensures there is a gender balance at these meetings. In addition the NFGLG has a representative in each region and is thus well positioned to give feedback to and include all English regions. It should also be noted that for the series of consultative meetings held between 2011 and 2013 Gypsy, Roma and Traveller third sector groups had to fund their own time and travel costs. At the meeting held on the 4 November 2013 a DCLG official agreed that in future one representative per organisation would have their travel funded. This may improve attendance at the forum as the previous Government reimbursed travel costs and participation levels were higher at consultative forums. However, as will be noted later a number of organisations feel that a declining resource base for Gypsy, Traveller and Roma organisations is undermining participation in the policy making process.

There have been some useful outcomes from the DCLG consultative meetings with community groups, in particular with a series of action points on financial inclusion which emerged in 2011 (See Employment and Welfare section of the report). The GTLG also had the opportunity to comment on progress by the CMWG in March 2013. Whilst participants are able to set the agenda and comment in detail on Government policy there have been numerous complaints that concerns are not being heard and or acted upon, in particular by the Cross-Government Working Group on Gypsy and Traveller Inequalities. The lack of a Strategy with clear targets and the lack of representation of community members in government bodies, means that there is little scope for community groups to be involved in influencing policy or effective monitoring.

In terms of engendering trust at a ministerial level between Government and Gypsies, Travellers and Roma, concerns have also been expressed by community respondents about the rhetoric employed by some MPs. For example the Secretary of State Eric Pickles MP has on a number of occasions suggested that in the past Gypsies and Travellers had an unfair advantage in the planning system and were 'trashing' (destroying) the greenbelt (rural areas protected from development).<sup>25</sup>

24 Friends Families and Travellers – submission to UK Monitoring review (2014).

25 Wilson, R (2013) – *Eric Pickles accused of using Travellers as political football*, Guardian 9<sup>th</sup> August. <http://www.theguardian.com/world/2013/aug/09/eric-pickles-travellers-political-football>.

## Progress in Scotland

The Scottish Government Minister for Commonwealth Games and Sport, Shona Robinson, has recently added the Equality remit to her Ministerial portfolio and as a result has an overarching ministerial responsibility for the Gypsy/Traveller community. In 2013 the Equal Opportunities Committee (EOC) of the Scottish Parliament held a hearing on Gypsies and Travellers, at which a number of witnesses argued with reference to the previous EOC inquiry in 2001 and the review of progress in 2005, and other research and initiatives, that action had been lacking. Donald Stewart, a Gypsy and Traveller witness said “It has been all talk and we have not seen any action. It is about time that something got done, because neither we nor other Travellers are benefitting. No other sites are being built. We are not seeing any difference; it is just as hard as it used to be” (para 41).<sup>26</sup> In its list of conclusions the EOC (2013) notes “Although we appreciate that some progress has been made on past recommendations, it is clear that the level of progress actually experienced by Gypsies/Travellers is minimal. To this end, we recommend that the Scottish Government explore the suggestion of pulling together existing research into a single national action plan which allows the flexibility for regional variations. For this, and other recommendations, we would expect the Government to agree with all those involved a firm timescale for any action plan and provide regular progress updates” (para 48).<sup>27</sup>

The Scottish Government has established a cross-Government group to ensure that all policy interests are taken into account and that where appropriate action is taken and to guide the government responses to the EOC reports.<sup>28</sup> In its response to the EOC report the Scottish Government stated “We feel that it would be timely to produce an overarching strategy document for a broad range of stakeholders” (2013: 2).<sup>29</sup> In its submission to this evaluation that commitment has been clarified “The Scottish Government is working to develop an overarching strategic framework and action plan for Gypsy/Travellers, in response to a recommendation made by the Scottish Parliament’s Equal Opportunities Committee... Officials have been holding meetings with key stakeholders representing the interests of the Gypsy/Traveller communities. The exact format of the strategy and development process has still to be decided. However, we hope that participation by the Gypsy/Traveller community will feature strongly in our work to develop an overarching strategy.”<sup>30</sup>

Although neither the EOC report nor the Scottish Government’s response makes reference to the EU Framework for NGTRIS when referring to a ‘strategy’, such a strategy document should be mindful towards and guided by the EU Framework for NGTRIS. The Scottish Parliament has recently submitted a bid for EU Structural Funds to help it develop a Scotland-wide strategy.<sup>31</sup> In 2013, Ms Raquel Rolnik UN Special Rapporteur met Gypsy/Travellers from *Article 12* in Scotland’s *Young Gypsy/Travellers’ Lives* project. A summary of their views included the observation “*Consultations with the community are largely deemed to be tokenistic*.”<sup>32</sup> In part such perceptions of disempowerment have been fuelled by the absence of a national consultative and liaison forum. However, In March 2014 it was announced by the Scottish Government that it would set up a Gypsy/Traveller National Strategy Stakeholder Group. The creation of a national Gypsy and Traveller forum in Scotland could change existing perceptions of tokenism and inaction. At present the membership and terms of reference are unclear but it is to be hoped that this pledge could do much to reverse previous disappointments and disillusionment. A long standing advocate for Gypsy and Traveller communities in Scotland stressed though that the strategy also needs to have robust timescales and penalties if actions are not fulfilled.<sup>33</sup>

26 Equal Opportunities Committee – 1st Report, 2013 (Session 4) *Where Gypsy/Travellers Live*. Published by the Scottish Parliament on 26 March, [http://www.scottish.parliament.uk/S4\\_EqualOpportunitiesCommittee/Reports/eor-13-01w.pdf](http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Reports/eor-13-01w.pdf).

27 *Ibid.*

28 The same group considered the recommendations from the EOC reports “Gypsy/Travellers and Care” and the “Where Gypsy/Travellers Live”, Speech by The Minister for Housing and Welfare (Margaret Burgess), [http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=8467&mode=html#iob\\_76748](http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=8467&mode=html#iob_76748).

29 Scottish Government response to recommendations. Equal Opportunities Committee – 1<sup>st</sup> Report, 2013 (Session 4) “Where Gypsy/Travellers Live”. June, 2013.

30 Scottish Government submission to UK Monitoring – March 2014.

31 Craig, G (2013) EU Network of Independent Experts on Social Inclusion: Assessing the implementation of National Roma Integration Strategies (Ad hoc request) United Kingdom.

32 Jill Keegan, Ms Raquel Rolnik UN Special Rapporteur on the Right to Adequate Housing Visit to Scottish Gypsy/Traveller communities, 3–4 September 2013, Article 12 (unpublished).

33 Interview Conducted by Article 12.

## Progress in Wales

In Wales, the co-ordination of issues affecting Gypsies, Travellers and Roma sits within the Fairer Futures Division, under the portfolio of the Minister for Communities and Tackling Poverty. The Welsh Government published in 2011 'Travelling to a Better Future', described as a 'Gypsy and Traveller Framework for Action and Delivery Plan'. It forms a separate annex to the UK submission to the EU Framework for NGTRIS and deals with engagement, education, health, employment and accommodation.<sup>34</sup> The Executive summary hails the document as the "the first strategic national Gypsy and Traveller policy document developed in the UK". Some of the declared objectives in 'Travelling to a Better Future' lacked detail and clear timelines. However, the Welsh Government has been prepared to develop more targeted policy approaches than the rest of the UK as evidenced by its commitment to introduce a statutory duty on local authorities to provide sites (See Accommodation). In November 2013, the Welsh Government published an updated Delivery Plan setting out progress so far against these objectives and work yet to be completed, which is much more detailed than the previous document and presents a more coherent strategy.<sup>35</sup> Their recent guidance on unauthorised encampments is a vast improvement on previous versions of such guidance in England and Wales.

Touching on some of the development of these objectives, Trudy Aspinwall of Save the Children stated that the strategy was consulted on in 2010 and focus groups were run with young people and adults all over Wales to get a sense of what the key issues were for the Gypsy and Traveller community in Wales. Aspinwall stated "The Welsh government spent a lot of money and time on consulting with young and adult Gypsies and Travellers before they wrote the strategy. They haven't done it since .....there is a danger that certain chapters of that strategy sat on the shelf and ...that government always like to think that once they have produced the strategy that everything will just happen just like that...I would say it is positive to have a strategy but I bet if you ask most Gypsies and Travellers what Travelling to a Better Future strategy is they would be like 'well I don't know' because huge numbers of them don't read and write". It could be viewed that there is a gap in evaluation, in getting feedback from the people whom the strategy is meant to benefit.<sup>36</sup>

One community respondent noted that it was ironic that a great deal of effort was rightfully being made by the Welsh Government to engage with young Gypsies and Travellers (see children section) but adults seemed to be left out of the equation. This gap was recognised by Trudy Aspinwall of Save the Children who noted the important advocacy work conducted by Isaac Blake and the Welsh Based Romani Cultural and Arts Company and commented it "is taking a fantastic lead as a community-led organisation ...but I know they don't have the funding to do all of the policy work and the campaigning work and yet there is no other adult national organisation that Gypsies and Travellers can link with and that is a real gap in Wales."<sup>37</sup>

## Progress in Northern Ireland

In Northern Ireland Government responsibility for Gypsies, Travellers and Roma lies with the Office of the First Minister and Deputy First Minister. Northern Ireland did not submit a separate report, unlike England and Wales, as an annex to the UK submission to the EU Framework for NGTRIS, but the general submission for the UK makes reference to measures being taken in Northern Ireland. In Northern Ireland there is no Governmental forum for consultation with Travellers and Roma although dialogue and some consultation has been taking place in the fields of education and accommodation primarily with Travellers (see those sections of this report). The final report of the Taskforce on Traveller Education in 2013 recommended establishing a multi-agency strategic group:

34 Welsh Government, *Travelling to a Better Future*, 2011, [http://ec.europa.eu/justice/discrimination/files/roma\\_uk\\_strategy\\_annex1\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_uk_strategy_annex1_en.pdf).

35 Wales Government, *Travelling to a Better Future' – November 2013 update*.

36 Interview conducted by Brigitta Balogh March 2014.

37 Interviewed by Brigitta Balogh February 2014.



*“A strategic group which includes representatives from health, education, employment, housing, the Traveller Support Movement and any other relevant organisations is necessary to facilitate a partnership approach and sharing of good practice in tackling barriers to Traveller equality and inclusion. This could be achieved by reconstituting the Traveller thematic group of the Racial Equality Forum.”<sup>38</sup> Amongst the Traveller focus groups in Northern Ireland there was strong support for a strategic group and more influence in policy making and a desire that policy makers should be “asking Travellers what they want and need rather than being asked to put our pennies worth in without all the relevant information. It feels like things are going round and round in circles and getting nowhere.”*

## Roma Communities in National Engagement

As will be noted in the following section Roma seem to have been excluded from important policy initiatives leaving them feeling marginalised and disempowered. At GTLG meetings there is Roma representation and some discussion of Roma issues. However, Roma do not feature in the work of the English Cross Government Group or the newly established Scottish National Strategy Stakeholder Group. Moreover little reference has been made to Roma migrants in the discussion of the Scottish Equal Opportunities Committee. The Framework for Action in Wales has been developed specifically for the Gypsy and Traveller population in Wales and does not address emerging issues as a result of migrant Roma settlement in Wales. However, the Wales Migration Partnership (WMP) is funded by the Welsh Government (Inclusion Grant) and the Home Office (Enabling Grant) and is based at the Welsh Local Government Association. WMP is a partnership organisation aimed at providing an enabling function and a strategic leadership, independent, advisory and consultative body on migration in Wales. The Welsh Migration Partnership held seminars in 2012 and 2013 to scope the key issues for the Roma community in Wales and the coordinator Ann Hubbard has produced briefing documents for service providers and strategic policy makers.<sup>39</sup> In Northern Ireland in the wake of the racist attacks of 2009 a Roma Task Force was established by the Office of First and Deputy first Ministers (OFMDFM) but no report or recommendations emerged. An evaluation report of Northern Ireland has noted “There has been little work done at a Governmental level to raise and promote awareness of Roma rights in Northern Ireland”. The report calls for a Roma Strategy in Northern Ireland.<sup>40</sup>

It is evident therefore that strategic work on Roma in the UK is limited. The reasons for this in the devolved administrations may be deduced from the Welsh Government response to the evaluation “The Welsh Government does not have competence to legislate on matters including immigration, welfare reform, or employment, which limits the scope of any migrant Roma strategy that we could produce.”<sup>41</sup> Important questions need to be considered such as whether there should be a government established UK national forum on Roma or whether they should be included in forums that already exist (or might be created) in the different parts of the UK to explore Gypsy and Traveller issues.

The National Roma Network is an informal organisation meeting quarterly within the UK and involving local authorities, support groups, NGOs, academics and policy actors looking at accommodation issues, access to services and employment. The network is coordinated by Migration Yorkshire, a lead regional advocacy group. According to Professor Craig in the absence of a national strategy driven by Government “...the National Roma Network has become de facto the central point for coordinating information and policy development on the UK Roma”. Although civil servants have attended these meetings, Professor Craig’s assessment is that their appeals for a UK Strategy have fallen on deaf ears.<sup>42</sup> The Roma Support Group, an established London based NGO which places community involvement at the heart of its work, has expressed appreciation at how the Network has gathered local authority advocates and articulated calls for the Government to address Roma exclusion seriously, but is concerned at the lack of actual

38 Traveller Child in Education Action Framework (Final Version) – Taskforce Recommendation 1.4 2013 [http://www.deni.gov.uk/traveller\\_child\\_in\\_education\\_action\\_framework.pdf](http://www.deni.gov.uk/traveller_child_in_education_action_framework.pdf).

39 *Ibid.*

40 Trademark (2012) I am Roma Evaluation Report, 10.

41 Response from the Welsh Government to the UK Monitoring, February 2014.

42 Craig, G (2013) *EU Network of Independent Experts on Social Inclusion – Assessing the implementation of National Roma Integration Strategies* (Ad hoc request – 3) United Kingdom – 2013, 3.

Roma involvement in the Network and feels much work is needed to address this deficiency at a local and national level by policy makers.<sup>43</sup>

A recent policy briefing by the University of Manchester stated interventions by third sector (civil society) agencies entrusted with managing interaction between Roma and local institutions held the long term risk of perpetuating the Roma's dependency on outside mediators and support provisions. Instead it was argued intervention should take the form of capacity building within the Roma community.<sup>44</sup> This report supports the call for increased and targeted capacity building but believes that Gypsy, Roma and Traveller civil society can and should play an important role. If such support is channelled through organisations with a long track record of working with these communities as opposed to more general civil society groups which appear to be the groups that the University of Manchester is concerned about in terms of ill informed and paternalistic interventions. As is evident throughout this report UK Gypsy, Roma and Traveller civil society although small and fragile has made an important contribution to empowerment.

## Support and Engagement with Civil Society

The Cross Ministerial Working Group on Gypsy and Traveller Inequalities (CMWG) inter-ministerial progress report states "Some Gypsies and Travellers are unable or unwilling to engage with public services, contributing to the poor outcomes highlighted in this report. In turn some services are not appropriately equipped to engage with Gypsies and Travellers and do not always make efforts to reach out to them" (DCLG, 2012, 8.1). Only one CMWG recommendation is made pertaining to engagement. Its report stresses that the Gypsy and Traveller Knowledge Network (hosted by the Department for Communities and Local Government) will promote examples of positive engagement through the Knowledge Hub website (DCLG, 2012, 8.3) and as such the network will act as a mechanism for disseminating and discussing good practice examples in community engagement. In November 2013 a member of the monitoring research team reviewed the number of posts to the knowledge hub in the previous six-month period and found eight posts, a number which does not indicate a vibrant forum or as yet the full mobilisation of the 502 members. The authors of the report are not aware of any good practice in terms of engagement that has emanated from this hub.

A Coalition Government policy at the start of its term of office was to build a 'Big Society' where third sector and community groups are afforded a key role in services and policies. This term is less evident now in government rhetoric but localism and public service reform are seen as the mechanisms for delivering this agenda. It should be noted that little has been done to financially support Gypsy, Traveller and Roma civil society.

Serious concerns have been raised as to the future of the small number of UK local and national Gypsy, Traveller and Roma civil society groups (approximately 30 constituted groups) because of cutbacks and the reduced incomes of large charitable donors.<sup>45</sup> The National Council of Voluntary Organisations has found that across civil society there have been huge reductions in government, local authority and charitable support for civil society.<sup>46</sup> A number of organisations have stated that there has been a significant decline in their income, in some cases as high as 70%, some face the danger of closure. Research conducted by the University of Salford also found low levels of engagement between local authorities and Roma communities and noted there are only a small number of Roma community groups in existence.<sup>47</sup> Alan Anstead, the Director of Equality, also felt that engagement with Roma communities has suffered as a consequence of cutbacks leading to various people in education or the minority support groups losing their jobs in Eng-

43 Interviews conducted by Przemek Kierpacz – March 2014.

44 University of Manchester (2014) Roma Migrants from Central and Eastern Europe, page 2, <http://www.policy.manchester.ac.uk/media/projects/policymanchester/Policy@Manchester-briefing---Roma-Migrants.pdf>.

45 Ryder, A. Cemlyn, S and Acton, T (2014) *Hearing the Voices of Gypsies, Roma and Travellers*, Policy Press.

46 NCVO (2013) Counting the Cuts, [https://www.ncvo.org.uk/images/documents/policy\\_and\\_research/funding/counting\\_the\\_cuts\\_2013.pdf](https://www.ncvo.org.uk/images/documents/policy_and_research/funding/counting_the_cuts_2013.pdf).

47 Brown, P. Scullion, L and Martin, P (2013) *Migrant Roma in the UK* – University of Salford.



land. In addition according to Anstead as a consequence of austerity the pressure and the competitiveness for civil society funding has increased which makes it very difficult for Roma organisations as many of them are quite new and lacking the requisite history and track record to access funding.<sup>48</sup> No Gypsy, Traveller and Roma community organisations in the UK have directly benefitted at present from European Funding, it is to be hoped this changes in the new structural funding period which runs from 2014 to 2020 (see appendix two for other EU funded projects). Serious efforts are needed to protect and expand civil society as its present vulnerability reduces the opportunities for partnership and engagement with policy makers.

### Scotland

In Scotland civil society organisations working with Gypsy, Traveller and Roma communities receive restricted funding from the Scottish Government's Equality Programme for specific services which was secured through applications in competitive funding streams. Article 12 provides awareness raising and capacity building of young Gypsy/Travellers to ensure they can contribute to decision making processes. MECOPP (Minority Ethnic Carers of Older People Project) receives similar funding to develop support and care for older people from these communities. In addition Planning Aid for Scotland, Crossroads Youth and Community Association and Govan Law Organisation receive Government funding.<sup>49</sup> Such funding has not been available to groups in England.

### Wales

The Welsh Government is funding Save the Children's Travelling Ahead programme from April 2014 – March 2017. In the past the Welsh Government has previously funded the Cardiff Gypsy and Traveller Project and the Wales Migration Partnership but they were not successful in bidding for further funding from the Welsh Government Equality and Inclusion Grant over the next funding period. It should be noted that projects to support Gypsy and Traveller communities are considered to be a priority under this grant but the Welsh Government informed the evaluation that in the Equality and Inclusion Grant bidding round the Welsh Government received 191 applications for funding for a total fund of 1.6m GBP per year.<sup>50</sup> The figures clearly imply that the resources do not match the level of demand and probably need.

### Northern Ireland

In Northern Ireland An Munia Tober, the Traveller Support Group, nearly collapsed because of a number of financial issues but in 2012 was absorbed in the Bryson Charitable Group, a large social enterprise in Northern Ireland which receives some governmental support.<sup>51</sup> After this difficult period Bryson noted in its annual review "importantly trust between Travellers and An Munia Tober has been rebuilt and relationships with stakeholders have been re-established".<sup>52</sup> A key focus of the rejuvenated An Munia Tober has been their health and youth projects. The team is much smaller than hitherto and more limited in its focus. Derry and Craigavon Traveller Support Groups also provide more localised support centred on sites and receive government funding.

## Engaging with Local Government

The English Cross government Ministerial Working Group on Gypsy and Traveller Inequalities (CMWG) progress report makes reference to a course delivered by two councillors alongside a Romany Gypsy who is an experienced community advocate. The course trains and supports councillors with their leadership role around Traveller site provision, including advice on dealing with opposition to such sites. The DCLG is funding

48 Interview conducted by Assen Slavchev – February 2014.

49 Scottish Government submission March 2014.

50 Welsh Government submission March 2014.

51 Housing Executive Briefing, 27th June, 2012, [http://www.nihe.gov.uk/executive\\_briefing\\_june\\_2012.pdf](http://www.nihe.gov.uk/executive_briefing_june_2012.pdf).

52 Bryson Charitable Group: Annual Review 2012 – 2013, 17, <http://www.brysongroup.org/images/Bryson%20annual%20review%202%20pages.pdf>.

this training so it can continue to 2015. Within the GTLG concerns have been expressed that the outcomes of this training have not been fully evaluated. The work being undertaken by those involved in the delivery of the training is recognised and appreciated by Gypsy and Traveller groups but there are doubts as to how much they can achieve given the weak delivery system for sites that exists now as a result of localism. The training would be an excellent complement to a planning system which set clear targets and placed councils under an obligation and had scope for government intervention (see accommodation section).

### Scotland

In Scotland members of the Equal Opportunities Committee expressed serious concerns about the commitment of COSLA (the Convention of Scottish Local Authorities) to increasing site provision and it is probably a principal factor at the failure to develop new sites and the substandard condition of the existing network (see accommodation).

### Wales

The Welsh Government has funded regional Community Cohesion Coordinators across Wales. The focus of posts from 2012–2014 has been work across local authorities to react to emerging tensions around proposed Gypsy and Traveller sites, with the aim of ensuring that Gypsies and Travellers are engaged in planning and housing processes and to ensure that senior local authority officers and elected Councillors are provided with information and training opportunities to assist them in making key decisions about these communities.<sup>53</sup> The Community Cohesion Coordinators programme has been evaluated by Sheffield Hallam University and was considered to be working effectively in local authorities across Wales.<sup>54</sup> The Welsh Government works with the Welsh Local Government Association (WLGA) on a range of issues, including Gypsy and Traveller site provision. The WLGA is in the process of rolling out training to local elected members and has recently published a workbook to aid understanding of legislation and cultural awareness.<sup>55</sup>

### Northern Ireland

The Local Government Partnership on Traveller Issues (LGP) consists of Local Councils in Northern Ireland. Belfast was the lead Council in establishing the LGP following the standing down of the Minister's Advisory Committee on Travellers (ACT) in 1999 and established a strategic partnership arrangement with the Northern Ireland Local Government Association (NILGA) which set up the LGP as the recognised voice of Local Government on Traveller issues within Northern Ireland

## Resources

### National Funding

A 'localist' and 'mainstreaming' approach has limited the direction of targeted funding to Gypsy, Traveller and Roma communities in particular in England. In a written response to this evaluation a senior adviser in DCLG noted "The questions of funding in this context appears to be more directed towards those Member States which specifically target Roma in national Roma integration strategies, rather than those like the UK which have a mainstreaming approach to integration and do not fund programmes on an ethnic basis. It is also the case that many funding decisions are made at the local level in light of local circumstances, and we do not hold central information about these".<sup>56</sup> However, the Government does provide a targeted sum of 60 million GBP for Traveller site provision and refurbishment" (See Accommodation Section).

53 Response from the Welsh Government to UK Monitoring March 2014.

54 Welsh Government submission – March 2014.

55 Submission from the Welsh Government March 2014.

56 Written response from Senior Adviser at DCLG February 2014.

The above statement presents a policy position which many Gypsy, Traveller and Roma civil society organisations, service providers and campaigners find problematic. Baroness Whitaker articulates these concerns “...treating everybody alike is the same as fair treatment but equal opportunities does not mean identical opportunities and it’s very important to try ...[and] drill down, into that, that policy to make a more targeted attack on prejudice, discrimination and fairness”.

Austerity measures by central government have led to local authorities cutting their budgets and a number of important Gypsy, Traveller and Roma services have been lost or severely cut (see education section in particular). The Coalition Government has cancelled the previous administration’s Migration Impact Fund – a 50m GBP fund for councils to ease pressure on housing, schools and hospitals where there are high levels of migration. The funding also financed provision of ESOL (English for speakers of other languages) services, local authority enforcement activities in relation to private rented sector landlords, campaigns to increase GP registration among migrants to avoid the unnecessary use of emergency services, and the provision of support teachers in schools.<sup>57</sup> Such funding could if reinstated be useful in assisting Romani migrants and ease community tensions. One inner city local government official interviewed for the monitoring, has sought to grapple with the issue of improving community relations. The inner city area in question attracted sensationalist and inflammatory media reports in 2013 about the state of community relations with Roma.<sup>58</sup> However, the local government official feels that there have been financial limits on the ability of councils to improve community relations, in particular resources to support community development and integration, ranging from community festivals to getting to know your neighbour schemes “We try and sort of cobble it together, but we’re cobbling it together on the back of a postage stamp most of the time.<sup>59</sup>

### *European Union Funding*

A small number of projects have received European Social Funding specifically for Gypsy, Traveller and Roma initiatives which have run into the timeframe of this evaluation (See Appendix Three). It is disappointing that greater use of and access to EU funding has not been secured in the UK. In the opinion of the National Federation of Gypsy Liaison Groups, Governments in England and the devolved administrations have failed to generate sufficient debate and discussion as to the possibility of such funding being drawn on by local authorities and or through Local Enterprise Partnerships. The European Commission is actively promoting better targeting of EU funds to support Roma integration in the new structural funding period which runs from 2014 to 2020. The Government has specified that Local Enterprise Partnerships (LEPs)<sup>60</sup> should consult with communities in the development and implementation of their Strategies and community groups should therefore seek to work with the Local Enterprise Partnerships in order to access European funding. In April 2013 DCLG issued guidance to LEPs on EU funding and whilst the guidance made reference to the need for LEPs to consult with civil society and that a priority area should be social inclusion, no specific reference was made to examples of ‘hard to reach’ groups/vulnerable groups and or Gypsy, Travellers and Traveller communities being important priority groups.<sup>61</sup> The November 2013 GTLG focused on EU funding. A civil servant (DCLG) provided details on European Regional Development Funding (ERDF) which DCLG leads on (while the Department for Work and Pensions leads on the European Social Fund). According to the minutes the civil servant commented “The English ERDF programme will be managed on the principle of equality and inclusiveness and it would not be appropriate to top slice some of the funding for the use of specific

57 IPPR (2004) A Fair Deal On Migration for the UK, [www.ippr.org/publications/a-fair-deal-on-migration-for-the-uk](http://www.ippr.org/publications/a-fair-deal-on-migration-for-the-uk).

58 Powell, R (2014)- Editorial: Special Issue – ‘Roma Integration in the UK’ People, Place and Policy Volume 8 – Issue 1, <http://extra.shu.ac.uk/ppp-online/editorial-special-issue-roma-integration-in-the-uk>.

59 Interview conducted by Siobhan Spencer January 2014.

60 In England, a local enterprise partnership (LEP) is a voluntary partnership between local authorities and businesses formed in 2011 by the Department for Business, Innovation and Skills to help determine local economic priorities and lead economic growth and job creation within its local area. They carry out some of the functions previously carried out by the regional development agencies which were abolished in March 2012, and are responsible for channeling ERDF funding. As of September 2012 there are 39 LEPs in operation.

61 Department for Business, Innovation & Skills (2013) *Structural and Investment Fund Strategies: Preliminary guidance to Local Enterprise Partnerships*, <https://www.gov.uk/government/publications/development-of-eu-structural-and-investment-fund-strategies-preliminary-guidance-to-local-enterprise-partnerships>.

communities.”<sup>62</sup> Attendees from the Gypsy, Traveller and Roma communities at the GTLG considered it was naïve to assume that LEPs would be inclusive, and argued that there needed to be mechanisms in place to ensure that some funding was made available to marginalised and dispersed communities (which includes Gypsies, Travellers and Roma). Gypsy Traveller and Roma civil society groups have indicated that limited contacts have been made towards them by LEPs in the development of their 2014–2020 strategies.

The former Labour Government minister David Blunkett MP informed this evaluation “LEPs are economic focused, they were designed for regeneration. They replaced the regional development agencies so they don’t have a social policy remit and the real danger now is they won’t include anything to do with Roma integration and support in their forward plan and therefore there will be no money available from Europe even though the European Commission believes that money was supposedly earmarked for Roma support.”<sup>63</sup> This viewpoint is supported by the fact that the National Council for Voluntary Organisations found that only 14 of the 39 Local Enterprise Partnerships currently have a representative from the voluntary sector on their board.<sup>64</sup> The Equality and Human Rights Commission is writing to all LEPs to ask if they have included Gypsy, Travellers and Roma within their plans.<sup>65</sup> The European Commission is also suggesting that Community Led Local Development (CLLD) initiatives would be an appropriate approach for Roma inclusion measures.<sup>66</sup> CLLD provides scope for partnership with civil society and community groups and should cultivate bottom up and innovative approaches. However, consultations with Gypsy, Traveller and Roma community groups suggest that LEPs in the UK do not appear to be fostering CLLD approaches with GTR organisations. The European Commission’s targeting of EU funds to support Roma integration includes the proposal for at least 20% of ESF (European Social Fund) resources for social inclusion to be devoted to the integration of marginalised groups such as Roma, with an additional requirement that an appropriate Roma inclusion strategy is in place, where EU funds are spent for this purpose.<sup>67</sup> Respondents feel this point has not been sufficiently promoted by Government.

Andrew George MP and Chair of the All Party Group of Gypsies, Travellers and Roma informed the evaluation “We’ve raised EU funding problems with government ministers as well, we’ve drawn their attention to the availability of EU funds and we are still waiting a response to that representation. I think one of the problems that the government faces is that drawing down what appears to be free money isn’t actually free to the UK because of the rebate so it is rather a complex issue but when you draw the money down it sort of comes off the potential rebate. For a government like the current one particularly with the Tories wanting to maintain this Thatcherite legacy of achieving the maximum possible rebate that kind of discretionary free money does result in a loss to the treasury because of the withdrawal of the UK rebate, it’s proportionate.”<sup>68</sup>

Civil society organisations would like to see stronger criteria in funding streams which stress the importance and value of having GTR organisations at the centre of project partnerships and not at the fringes, as has been the case in some previous EU funded projects.

62 Minutes of the GTLG 4<sup>th</sup> November 2013.

63 Interview conducted by Siobhan Spencer – February 2014.

64 NCVO (2013) Local charities must get say in European funding priorities, <http://www.ncvo.org.uk/about-us/media-centre/press-releases/336-ncvo-local-charities-must-get-say-in-european-funding-priorities>.

65 EHRC interview 14 January 2014 with Rosemary Lloyd and Mike Young senior lawyers and casework and litigation team conducted by Siobhan Spencer.

66 European Commission (2014) Community Led Local Development, [http://ec.europa.eu/regional\\_policy/sources/docgener/informat/2014/community\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docgener/informat/2014/community_en.pdf).

67 The European Commission (2013) Council Recommendation on effective Roma integration measures in the Member States [http://ec.europa.eu/justice/discrimination/files/com\\_2013\\_460\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/com_2013_460_en.pdf).

68 Interview conducted by Helena Kiely – March 2014.

The Interaction of Policy on GTR Communities and Key Aspects of the Equality Measurement Framework	Research Findings which indicate cause for concern when matched against the EMF criteria
<p><b>Participation, Influence and Voice</b></p> <ul style="list-style-type: none"> <li>- Formal political participation</li> <li>- Perceived influence in local area</li> <li>- Political activity</li> <li>- Taking part in civil organisations</li> <li>- Being treated with dignity and respect while accessing and participating in decision-making forums</li> </ul>	<p>The lack of funding and support for GTR civil society is disempowering these communities. All Governments in the UK are failing to sufficiently involve Gypsies, Travellers and Roma in decision making processes</p> <p>In Scotland and Wales a strategic approach is being developed. In Scotland Gypsies and Travellers will be involved in developing a strategy and in Wales there is scope for greater community involvement</p> <p>In England a Gypsy and Traveller liaison group has been established but the lack of a strategy or meaningful involvement in decision making is limiting the value of this body. A range of stakeholders in Northern Ireland have called for a strategic group to be established</p> <p>Roma are being marginalised and excluded from strategic decision making</p>

### GOOD PRACTICE

**Fenland District Council** – good practice in terms of liaison here has been recognised in government briefings and reports by the Equality and Human Rights Commission, such engagement has reduced unauthorised developments in inappropriate locations and associated enforcement costs and is thus cost effective.

**Residents' Groups** – civil society groups such as Friends, Families and Travellers, the Traveller Movement and the London Gypsy and Traveller Unit have been active in establishing residents' groups on local authority sites, as a means of ensuring a more inclusive interface between site residents and local authorities and guiding and informing services which impact on residents' lives, providing a useful stepping stone for wider advocacy.

**Article 12** in Scotland and the **Save the Children Fund project Travelling Ahead in Wales** have been engaging young Gypsy/Travellers in learning and development opportunities that have equipped them with the skills, knowledge and confidence necessary to influence law, policy and practice as it applies to them at local, national and international levels.

**The Roma Support Group** in London and **The Multi-Faith Centre and Roma Community Care** in Derby support Roma migrants; activities involve information and advice, training, youth and cultural activities and multi agency work. Intercultural work is a core activity, where Roma are given support to navigate the challenges of living in a new cultural environment in a way which facilitates innovation yet retains identity.

The case studies reveal the value of effective engagement. It is a cause of concern that in the present climate of cutbacks and dwindling financial resources for civil society, the long term support to build and develop local grassroots organisations is unavailable. There are many areas in the UK with significant Gypsy, Roma and Traveller populations where no community groups exist, the communities remain isolated and unsupported.

## 2. ANTI-DISCRIMINATION

Technically, everyone in the UK is protected against discrimination through laws such as the Human Rights Act 1998 and the Equality Act 2010, which also imposes duties on public authorities to promote equality and prevent discrimination. Yet discrimination and racism towards Gypsies, Irish Travellers and Roma continues across the UK. In 2009, the Equality and Human Rights Commission highlighted the pervasive racism experienced by indigenous Gypsies and Travellers while abusive media coverage and overtly racist statements from local and national politicians continue to add to the ignorance and prejudice of many members of the settled population.<sup>69</sup> One Gypsy interviewee provides a powerful insight into the discrimination experienced by Gypsies and Travellers: "Newspapers follow you to camps and take photos of your property, which they shouldn't be allowed to do. When the Police find out you're Gypsy/Travellers it's like they automatically lose respect for you. They follow motors out of the campsite and pull us up for no reason... Some young ones from the settled community throw stones and give us verbal abuse."<sup>70</sup>

Many Roma people face a different kind of discrimination because they are seen as migrants. While some Roma came to the UK in the 1990s, seeking asylum from racial persecution and discrimination, others have migrated since the enlargement of the EU, exercising their right to freedom of movement and coming to live and work in the UK. Roma communities in common with Gypsies and Travellers continue to be targeted and vilified especially by the right wing press and some politicians. Some politicians have tried to speak out against discrimination; for example, Andrew George MP, Chair of the All Party Parliamentary Group for Gypsies, Roma and Travellers describes how few political representatives seem willing to challenge discrimination towards Gypsies, Travellers and Roma: "I feel very isolated there are just a very few of us, when you stand up and ask reasonable questions of others who play populist politics in the house (Parliament) by talking with kind of 'dog whistle' politics ways, or in a directly disparaging way, about the Travelling community, you are on your own you are in the minority."<sup>71</sup> Certainly in England there have been no specific measures to combat anti-Gypsy, Traveller and Roma discrimination and racism and there are no high-level officials from these communities serving as role models.<sup>72</sup> In 2013 the Travellers' Aid Trust organised a residential gathering of Gypsy, Traveller and Roma groups to consider strategic policy issues and opportunities for campaigning and one of the main conclusions that came from this event was that "the Equality and Human Rights Commission (EHRC) has abandoned race for broader inequality issues and the Coalition Government has no current overarching race strategy."<sup>73</sup> This is a serious charge to make but the findings of this evaluation add some weight to this assertion. It is also significant that the Equality and Human Rights Commission has had its budget and workforce halved.<sup>74</sup>

69 Cemlyn S et al (2009) *Inequalities experienced by Gypsy and Traveller Communities: a review*. (Research report 12). London: Equality and Human Rights Commission.

70 Interview conducted by Article 12 in Scotland.

71 Interview conducted by Helena Kiely – March 2014.

72 Written submission by Equality for the UK monitoring.

73 Alexander, S (2013) *report on the Gypsy, Traveller & Roma communities residential Trafford hall*, The Travellers Aid Trust <http://travellersaidtrust.org/wp-content/uploads/2012/03/GTR-Residential-Report.pdf>.

74 Randeep Ramesh, 'Equality and Human Rights Commission has workforce halved', *Guardian*, 15 May 2012, <http://www.theguardian.com/society/2012/may/15/equality-human-rights-commission-cuts>.



## Measures to Combat Anti-Gypsy, Roma and Traveller Discrimination and Racism

### *Equality and Human Rights Commission*

The Equality and Human Rights Commission (EHRC) is responsible for the promotion and enforcement of equality and non-discrimination laws and for recording and processing complaints and allegations of violations in England, Scotland and Wales. Serious concerns have been expressed across the black and minority ethnic sector over the ability of the EHRC to promote human rights, monitor the law, provide legal assistance and advice and conduct inquiries and judicial reviews in the future. It has been reported that staff at the EHRC are deeply concerned about the impact on equalities represented by the proposed 62% budget cut and 72% staffing cut by 2015 from the original levels in 2007.<sup>75</sup> This reduction of capacity is of particular concern for Gypsy, Traveller and Roma communities given the levels of hate crime and discrimination directed at this group. Staff reductions as a result of cutbacks have led to the closure of regional hubs or severe downscaling in terms of staff as well as scaling down or closure of local Race Equality Councils. It is noticeable that on the EHRC website there is no specific page on Gypsy, Traveller or Roma issues and since 2011 there has been no significant research, publications or major statement by the Chair or lead members of the EHRC.<sup>76</sup> Sean Risdale the former lead officer on Gypsies and Travellers at EHRC informed this evaluation that "There was a major change of tone when the EHRC [was established]. The EHRC no longer had commissioners who were grounded in the groups that they were meant to be targeting... and that went for most of the senior management as well. They weren't managing the causes or the issues... The EHRC were having to shed their massive budget and they were also so worried about losing more money so they started concentrating on areas that were safe... Anything that might be a little bit contentious like the Traveller issue they just lost their nerve for picking up on it".<sup>77</sup>

The EHRC ceased to operate its national legal helpline in 2012 and the service is now operated by the Equality Advisory Support Service (EASS). As part of this evaluation we asked the EASS for an indicator of the number of cases where Gypsies, Travellers or Roma have used the helpline and were informed that only 22 had asked for support (we also asked how these figures contrasted with past helpline records but were told that EASS does not hold this information).<sup>78</sup> In an interview with EHRC staff, the opinion was expressed that the EASS figures seemed low.<sup>79</sup> However, our own research suggests that the low number of contacts made to the EASS is of concern, given the levels of discrimination directed at Gypsies, Travellers and Roma communities. We argue that the EASS needs to review the effectiveness of its service for these communities. However, it should also be noted that there have been a few cases where the EHRC has taken up litigation on behalf of Gypsies, Travellers and Roma.<sup>80</sup> A recent case suggests such litigation could have wider consequences as the EHRC were involved in a High Court decision (2013), which ruled that a local authority must support a three-year old, disabled child from a Gypsy family, even when his family are working in other parts of Britain (See appendix). We hope that the success of this case will lead to a rethink of strategy by the EHRC to promote further litigation and challenge to racism and discrimination towards Gypsy, Traveller and Roma communities.<sup>81</sup>

75 Hansard, (record of parliamentary debates) 24/4/2012 <http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120424/halltext/120424h0002.htm>.

76 In 2009 guidance on community relations 'Gypsies and Travellers: simple solutions for living together' was published [http://www.equalityhumanrights.com/uploaded\\_files/gypsies\\_and\\_travellers.pdf](http://www.equalityhumanrights.com/uploaded_files/gypsies_and_travellers.pdf). Two major research projects were also funded: 'Inequalities Experienced by Gypsy and Traveller Communities' (2009), [http://www.equalityhumanrights.com/uploaded\\_files/research/12inequalities\\_experienced\\_by\\_gypsy\\_and\\_traveller\\_communities\\_a\\_review.pdf](http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf). Assessing local housing authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England (2009/10).

77 Interview conducted by Janie Codona – March 2014.

78 Reply from the EASS 8th January 2014.

79 Interview with EHRC 14th January 2014 conducted by Siobhan Spencer.

80 Data provided by the Equality and Human Rights Commission in response to a freedom of information request shows that there have been 261 complaints made by Gypsies, Travellers and migrant Roma to the Equality and Human Rights Commission between 2007 and 2012 – see United Kingdom: FRANET National Focal Point Social Thematic Study The situation of Roma 2012 – Human Rights Law Centre, University of Nottingham, <http://fra.europa.eu/sites/default/files/situation-of-roma-2012-uk.pdf>.

81 The EHRC is also involved in the Wetherspoon case in London [relating to an incident in which members of the ITMB/Traveller Movement and others were not allowed into the pub after a conference] – interview with EHRC 14 January 2014.



**Equality and Human Rights bodies in Northern Ireland:** In Northern Ireland there is a separate Equality Commission (ECNI) and a Human Rights Commission (NIHRC). A review of the annual reports of the ECNI for 2012/13 indicated that no major or targeted projects had been undertaken with Traveller and Roma communities, but did note that the ‘Do You Mean Me?’ survey of public attitudes to and experiences of equality in Northern Ireland revealed negative attitudes towards Travellers.<sup>82</sup> The Traveller focus group in Northern Ireland “talked highly of the ECNI and reported that they are always willing to help when approached with an issue”. However, it was noted that ECNI used to have the remit to facilitate and take the lead in Traveller Focus Week and this is no longer happening. The focus group for this evaluation believed that it is important for the Focus Week to continue as it engages Travellers throughout Northern Ireland.

### *The Impact of Judgments of the European Court of Human Rights*

There has been a very important recent case concerning French Travellers, this case could have important implications for the UK. In 2013 the European Court of Human Rights (ECtHR) handed down a judgment in the case of *Winterstein and Others v France* (application number 27013/07). The ECtHR found that there had been a breach of Article 8 of the European Convention on Human Rights (the right to respect for private and family life and home). The case concerned eviction proceedings brought against a number of Traveller families who had been living at the same place for many years. The domestic courts issued orders for the family’s eviction. Although the orders were not enforced, many of the families moved out. This ruling has not been widely publicised but it is believed by UK legal experts that it could have relevance in eviction and homelessness cases involving Gypsies and Travellers in the UK.<sup>83</sup>

### *The Equality Duty*

Gypsies, Travellers and Roma people are recognised in UK law as distinct ethnic groups and are legally protected. The Human Rights Act makes the European Convention on Human Rights enforceable in domestic law, and the Equality Act 2010 provides legal frameworks to protect against discrimination on grounds of ethnicity in line with the Race Equality Directive. The Public Sector Equality Duty (incorporating previous duties under the Race Relations Act), came in to force in April 2011 and public authorities are currently required to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

To ensure transparency and to assist in the performance of this duty, public authorities are required to demonstrate their compliance with the Public Sector Equality Duty (PSED). This mechanism has been in place since April 2011, having been introduced under the Equality Act 2010.<sup>84</sup> The PSED has a key role to play in making sure that fairness is at the heart of public bodies’ work and that public services meet the needs of different groups. However, in May 2012, the Home Secretary (equivalent to the Interior Minister) announced a review of the PSED and the results were expected by summer 2013. At the time of writing (spring 2014) the outcome is still unknown but the abolition of the PSED would have a serious impact on Gypsies, Roma and Travellers who often experience some of the worst extremes of personal and institutional discrimination. This raises serious concerns as “over the past three years, key bodies tasked with working to make the UK a more equal place, such as the government’s own Equalities Office and the independent Equality and Human Rights Commission, have had their funding slashed and powers reduced. At the same time, the legislative framework around equality has been steadily chipped away” (Ceri Goddard, Chief Executive of the Fawcett Society).

82 Equality Commission Northern Ireland, Annual Report and Accounts 2012–2013, <http://www.equalityni.org/archive/pdf/AnnualReport2013.pdf>.

83 In the case of *Chapman and Coster v UK* (2001) The European Court of Human Rights rejected the complaint made by caravan dwelling Romani Gypsies that planning and enforcement measures had breached their rights protected by article 8 of the Convention. However, in the case of *Connors v UK* (2005) the Court ruled that an Irish Traveller family had been improperly evicted from a local authority site in breach of article 8 of the Convention.

84 J Martinson, ‘Coalition accused of assault on equality’, *Guardian*, 14 July 2013, [www.theguardian.com/society/2013/jul/14/coalition-accused-of-assault-on-equality](http://www.theguardian.com/society/2013/jul/14/coalition-accused-of-assault-on-equality).

## Human Rights

In March 2011 the Government established a Commission on a Bill of Rights to consider whether to create a UK Bill of Rights (which might replace the Human Rights Act). It is of concern that some on the Commission appear to favour a reduction of rights. It should be noted that the views expressed in the consultations and deliberations organised by this Commission found a wide body of support for the Human Rights Act (HRA). A dilution of the Human Rights Act or the UK's commitment to the European Convention on Human Rights would have serious consequences for Gypsy, Traveller and Roma communities (as well as other vulnerable minorities). While the Commission delivered its report and was disbanded in 2012, it was unable to achieve a clear consensus on a way forward and thus there was no clear path to establish a Bill and it will not be legislated on in the current parliament. However such a Bill still remains an objective of the Conservative Party (the majority party in the Coalition Government).<sup>85</sup>

**Scotland:** The Scottish Government has accepted the recommendation of the Scottish Parliament Equal Opportunities Committee to launch a national public awareness-raising campaign aimed at tackling discrimination and racism against Gypsy/Travellers<sup>86</sup> and this forms part of a 'One Scotland' campaign to promote cohesion. The Scottish Government published its equality outcomes in 2013 and one of the targeted outcomes relates specifically to Gypsies/Travellers. The Scottish Government is currently working with the Scottish Human Rights Commission (SHRC) to deliver Scotland's first National Action Plan (SNAP) on human rights and although this is at an early stage of development, it will seek to integrate public service delivery into a systematic approach towards the realisation of human rights in practice. The Scottish Equality and Human Rights Commission has updated their guidance to the media on Gypsies, Travellers and Roma to reduce the incidence of unfair reporting (2013).

**Wales:** It should be noted that in early 2014, the Welsh government stated that the Public Sector Equality Duty is working effectively and that it should be retained in Wales. In addition, the Welsh Government's 'Travelling Ahead' framework document (2009) has pledged to "Improve mutual understanding and trust between Gypsy and Traveller communities and settled communities so there is an increase in the sense of belonging and acceptance within the Gypsy and Traveller community".<sup>87</sup> In 2013 the Welsh Government also published a consultation document for a Framework for Action on Hate Crime which made a number of references to the risks faced by Gypsy and Traveller communities and high levels of under reporting of hate crime.<sup>88</sup> The final version of the framework was launched in 2014, with an accompanying delivery plan.

**Northern Ireland:** Belfast Health and Social Care Trust (BHSCT) were the lead partners in the European Union funded 'I am Roma' Programme which seeks to promote social inclusion and address issues of discrimination of the Roma community through partnership working to cultivate positive changes in outlook about Roma in Belfast. This programme ended in 2012, and while the partnership approach to working with Roma continues, funding is piecemeal.<sup>89</sup>

## Criminal Justice

### *Hate Crime and Policing*

The UK Government published an action plan to tackle hate crime in England, Wales and Northern Ireland entitled 'Challenge it, Report it, Stop it' (2012). This cross-Government plan sets out key delivery areas until

85 Andrew Grice, 'Tories' bid for UK Bill of Rights declared 'dead' after review ends in stalemate', *The Independent*, 19 December 2012, <http://www.independent.co.uk/news/uk/politics/tories-bid-for-uk-bill-of-rights-declared-dead-after-review-ends-in-stalemate-8424526.html>.

86 Scottish Government response to recommendations. Equal Opportunities Committee – 1st Report, (Session 4) "Where Gypsy/Travellers Live". June, 2013.

87 Welsh Government (2012) *Travelling Ahead to a Better Future*, 54.

88 Welsh Government (2013) Consultation Document – *Tackling Hate Crimes and Incidents: A Framework for Action*, <http://wales.gov.uk/consultations/equality/130711-hate-crime-framework-consul/?lang=en>.

89 BHSCT (2012) *A Good Relations Strategy for Belfast Health and Social Care Trust* [http://www.belfasttrust.hscni.net/pdf/Good\\_Relations\\_Strategy\\_for\\_a\\_Healthy\\_Future.pdf](http://www.belfasttrust.hscni.net/pdf/Good_Relations_Strategy_for_a_Healthy_Future.pdf).

2015. The Action Plan notes that there may be a significant problem of under reporting of hate crime amongst Gypsy, Irish Traveller and Roma communities.<sup>90</sup> However, currently no data is collected on hate crimes committed, specifically, against these communities and it is notable that the British Crime Survey only visits households and not trailer/ caravan sites, so their experience of crime is unrecorded.

There are also concerns that funding cuts to police forces (equating to approximately 20% of police budgets) are likely to reduce the number and scope of race equality and liaison officers and services within police forces. This has the potential to weaken the impact of some of the positive new improved guidance and initiatives on working with Gypsy, Traveller and Roma communities.<sup>91</sup> Dr Zoe James, a criminal justice expert, informed this evaluation that “policing remains subject to an occupational culture that has an ethnocentric perspective.”<sup>92</sup> However, the evaluation was also informed of positive work by a number of police officers, for example, the Traveller focus group for Northern Ireland considered that since the peace process, the Police Service of Northern Ireland has become more approachable and likewise the Roma focus group in Northern Ireland noted, “The participants talked about the two police officers who work more closely with the Roma community...who are valued, as one community member reflected ‘They even know a few words in Romanian... people are generally happy to see the police officers, it makes them feel protected’.” The root of such positive relations may be found in awareness raising and training activities related to Roma and Traveller communities by the police in recent years and this is also evident in other police forces in the UK, such as Derbyshire and Kent.

### Monitoring in the Criminal Justice

The prison service IT system in the UK holds personal details of all prisoners under their P-NOMIS system in England and Wales and since 2011 the P-NOMIS system has included the option for Gypsy and Irish Traveller to identify their ethnicity (W3 code). However, many Gypsies and Travellers are ‘reluctant to officially declare their ethnic background because of past experiences of discrimination. In prison, this reluctance is even greater because of the risk of name-calling or bullying.’<sup>93</sup> A recent report by HM Inspectorate of Prisons for England and Wales (2014)<sup>94</sup> has noted of Gypsy and Traveller prisoners that “..despite being a significant minority, they were often unrecognised or unsupported in many prisons...our surveys support assertions in other literature that the Gypsy and Traveller group are experiencing poorer outcomes across a range of areas. Most concerning are the negative perceptions of their own safety in prison and the levels of victimisation they report, both priority areas where action is needed”<sup>95</sup> A key recommendation from HM Inspectorate of Prisons to the Ministry of Justice is that there should be comprehensive monitoring of the numbers of prisoners of Gypsy, and Traveller background and further research undertaken to understand their experiences.(currently there is no accurate data on the number of Gypsy or Traveller prisoners who arrived in custody prior to P-NOMIS ethnic codes being available).<sup>96</sup> There is no ethnic data on Romani prisoners.

## The Media

Negative media coverage of the UK’s Irish Travellers and Gypsies has been acknowledged by the United Nations Human Rights Committee,<sup>97</sup> the UN Committee on the Elimination of all forms of Racial Discrimi-

90 HM Government (2012) *Challenge it, Report it, Stop it: The Government’s Plan to Tackle Hate Crime*.

91 A Travis, A ‘Police face deeper cuts after spending watchdog finds £500m ‘black hole’ Guardian, 26 April 2012, <http://www.theguardian.com/uk/2012/apr/26/police-deeper-cuts-black-hole>.

92 Written submission from Dr Zoe James University of Portsmouth to UK monitoring – February 2014.

93 Mac Gabhann, C. and Cottrell- Boyce, J (no date ) Gypsy and Traveller Prisoners: A Good Practice Guide <http://www.irishchaplaincy.org.uk/Publisher/File.aspx?ID=130347>.

94 HM Inspectorate of Prisons (2014) *People in prison: Gypsies, Romany and Travellers: A findings paper by HM Inspectorate of Prisons* <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmiprobation/joint-thematic/gypsies-romany-travellers-findings.pdf>.

95 *Ibid* 10.

96 HM Inspectorate of Prisons (2014) *People in prison: Gypsies, Romany and Travellers: A findings paper by HM Inspectorate of Prisons* February 2014, 5, [www.justice.gov.uk/.../gypsies-romany-travellers-findings.pdf](http://www.justice.gov.uk/.../gypsies-romany-travellers-findings.pdf).

97 UN Human Rights Council Eight Session (2008) Report of the Working Group on the Universal Periodic Review United Kingdom of Great Britain and Northern Ireland, page 15, para 15.

nation<sup>98</sup> and in a review by the European Commission against Racism and Intolerance. In 2013, the Runnymede Trust commissioned an attitudinal survey on race in the UK and found that four out of every five people in the UK (78%) thought that the way that the media portrays ethnic minorities promotes racism.<sup>99</sup> Yet the Press Complaints Commission (a regulatory body established and operated by representatives of the press itself), has a Code of Practice, clause 12 of which relates to discrimination. However, the PCC clause 12 only works if racism is targeted at a recognisable individual. This is not an effective defence against casual and intentional racism against Gypsies, Irish Travellers and Roma as ethnic groups. Gypsy, Traveller and Roma respondents expressed considerable concerns about the media as a catalyst for intolerance and discrimination. For example, one Gypsy respondent stated: "The media are rubbish, they just make a fool of Travellers and make up stories in their own head. There are good and bad in all cultures including the settled community so they shouldn't stereotype everyone."<sup>100</sup> Dada Felja (Roma Support Group) noted that the tabloid press hysteria which occurred in late 2013 (with reports which depicted unfounded perceptions of anti social behaviour and child abduction) caused extreme distress amongst many Roma parents and led to some families even being too frightened to take their children to the doctor for fear of their children being seized and placed in care<sup>101</sup> In the UK, the failure of the self-regulation of the press resulted in the Leveson enquiry, which proposed setting up a new body that will be totally independent of politicians and the press industry. In 2013 the main political party leaders agreed to setting up this new regulatory body for the press based on a royal charter, (with powers to impose fines on UK publishers and demand apologies from them). While Gypsy, Traveller and Roma groups welcome these proposals, only time will tell if this will be effective against racism in the press.

## Immigration and Justice and Fair Treatment

As EU citizens the great majority of Roma migrants are entitled to move to and work in the UK. However, it has been argued that the UK Government is undermining the free movement of labour by introducing restrictions to the access of welfare support to new migrants (see discussion in welfare section). It should also be noted that concerns have been expressed about the rhetoric directed towards Roma migrants. For example, the leader of Westminster Council Philippa Roe blamed Roma in central London for already causing "a massive amount of disruption and low-level crime". Such comments from elected officials and the media are accentuating the barriers to inclusion for Roma migrants.<sup>102</sup> Rather than develop targeted support measures to assist Roma migrants to achieve integration into life in the UK, Westminster Council in July 2013 approached a group of 60 Roma sleeping rough in Marble Arch London, the Roma's immigration status was checked and all were offered free flights to Romania. About 20 accepted. The Metropolitan Police said those who had not taken up the offer to be flown home may be issued with a 30-day notice to leave the UK.<sup>103</sup> A number of articles published during these raids reveal a significant engagement with discriminatory and stigmatising language, such as "Park Lane gypsies are sent packing: Police swoop on camp in London and offer Roma free flights home (but only if they fancy it)".<sup>104</sup> There are fears that UK local authorities may emulate the unlawful actions of French authorities and illegally target Roma and pressurise Roma to accept offers of transportation to their countries of origin.

98 UN CERD, (2011) Concluding Observations, Seventy Ninth Session, United Kingdom of Great Britain and Northern Ireland, page 6, para 27, page 2, para 11, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.GBR.CO.18->

99 Runnymede Trust (2013), <http://www.runnymedetrust.org/news/553/272/Survey-reveals-that-four-out-of-five-believe-the-way-the-media-portrays-ethnic-minorities-promotes-racism.html>.

100 Interview conducted by Article 12 in Scotland.

101 Interview conducted by Przemek Kierpacz – March 2014.

102 Rowena Mason and Shiv Malik, "Alarm sounded on anti-Roma rhetoric as door opens to more EU workers" Guardian: 1 January 2014, available at: <http://www.theguardian.com/uk-news/2013/dec/31/mps-anti-roma-rhetoric-romania-bulgaria> (accessed: 14 February 2014).

103 "Roma Gypsies targeted in Marble Arch dawn raid", BBC News: 19 July 2013, available at: <http://www.bbc.com/news/uk-england-london-23374241> (accessed: 14 February 2014).

104 Vanessa Allen, "Park Lane Gypsies are sent packing: Police swoop on camp in London and offer Roma free flights home (but only if they fancy it)", MailOnline: 19 July 2013, available at: <http://www.dailymail.co.uk/news/article-2370416/Park-Lane-gypsies-sent-packing-Police-swoop-camp-central-London-offer-Roma-free-flights-home-fancy-it.html> (accessed 15 May 2014).

The EU has adopted a variety of binding measures on immigration. These individual measures cover some forms of immigration, but are by no means comprehensive. For instance, only some high-skilled immigrants to the EU may fall under the Blue Card Directive. The Directive on Family Reunification covers some family reunification. A Seasonal Workers Directive has recently been adopted, and political agreement was reached on a Directive on Intra-Company Transferees in April 2014. On security of residence and free movement within the EU, the key measure is the Long-term Residents Directive. The UK has not opted in to any of these immigration directives. The House of Lords EU Committee has repeatedly urged the UK to opt in to both the Long-term Residents Directive and the Family Reunification Directive. Such a move would strengthen the rights of the UK's economic migrants and enable them to enjoy equality with economic migrants in the rest of the EU.<sup>105</sup> No data is gathered on the number of third country (non-EU) Roma coming to the UK and or seeking asylum and it is difficult to estimate the numbers affected by these migration policies. In each section of the report the experiences of migrant Roma are discussed in depth.

## Access to Justice

In terms of justice and protection concerns have also been raised regarding reforms initiated by the Ministry of Justice. The Travellers' Advice Team (TAT), a team of solicitors providing legal advice, have expressed their deep concern at the Government's proposals to limit funding for Judicial Review, and believe that the current proposals will effectively render it impossible for the average citizen (and particularly Gypsies and Travellers) to challenge flawed decision making by public bodies (for a fuller discussion see section on accommodation). Legal aid reforms under the Legal Aid Sentencing and Punishment of Offenders Act 2012 and those currently proposed in the Criminal Justice and Courts Bill 2014, curtail the rights of asylum seekers to legal aid.

## Gypsy, Traveller and Roma Women's Rights

Aside from a number of health initiatives (See Health Section for a fuller discussion) we are not aware of any governmental policies or programmes which target the multiple discriminations experienced by Gypsy, Traveller and Romani women, nor is this issue discussed directly in UK NGTRIS submissions. Previous research has indicated that exclusion and marginalisation often have a major impact on women in domestic roles who face real challenges in trying to support and maintain family life despite experiences of multiple-exclusion. Interest in the issues facing women has grown amongst advocacy groups and researchers who have in recent years undertaken important work highlighting issues like access to health services for women, domestic violence and more recently trafficking. Organisations such as One Voice for Travellers, Solas Anois, Friends, Families and Travellers and the Traveller Movement have also promoted interagency work and conferences to address the issue of domestic violence, and supported many individual women (see Case Studies). However initiatives on this crucial issue tend to remain with specialist Gypsy, Traveller and Roma organisations. Such interests have not been reciprocated in governmental discussion and action or to any marked extent in 'mainstream' NGO activity, although there is evidence of some mainstream service providers in the police and health services beginning to develop specific policies to support GRT women experiencing domestic violence.<sup>106,107</sup> Notable developments in promoting the rights of Gypsy, Traveller and Roma women have arisen because of very significant investments of energy, time and emotional support by Gypsy, Traveller and Romani women, working in community organisations (including the National Federation of Gypsy Liaison Groups, One Voice, the UK Association of Gypsy Women, the Roma

105 Cathryn Costello and Emily Hancox (2014) *The UK, the Common European Asylum System and EU immigration law*, The Migration Observatory, University of Oxford: 2 May 2014, available at: <http://migrationobservatory.ox.ac.uk/policy-primers/uk-common-european-asylum-system-and-eu-immigration-law> (accessed: 15 May 2014).

106 Cheshire Constabulary, *Domestic Abuse: advice for gypsy and travelling communities*, available at: <https://www.cheshire.police.uk/advice--information/domestic-abuse/gypsy-and-travelling.aspx> (accessed: 20 May 2014).

107 Welsh Paediatric Society, *Domestic Abuse in the Gypsy and Traveller community of Cardiff*, available at: <http://welshpaediatrics.org.uk/domestic-abuse-gypsy-and-traveller-community-cardiff> (accessed: 20 May 2014).



Support Group), to support women's and families' rights to accommodation, education, health and welfare.<sup>108</sup> The Advisory Council for the Education of Romanies and other Travellers noted that in the UK "Gypsy Roma and Traveller women have taken advantage of the general advance of the status and possibilities for women, and are prominent as inspirational leaders in a number of organisations. ... These organisations have enabled women to make progress". In view of these comments, which many would accept, the current poor resourcing of Gypsy Roma Traveller civil society, and the resultant stresses for activists, many of whom are women, are a cause for concern especially as civil society organisations have provided an important platform for community action and for women's rights issues (see section I for discussion on civil society).

### *Trafficking and Romani Women*

Roma women are among those vulnerable to trafficking because of their social exclusion, as highlighted in a submission to the UN,<sup>109</sup> and this is of concern to community groups. A study by the European Roma Rights Centre (ERRC) in 2011, 'Breaking the Silence', interviewed 27 trafficked Romani people from five Central and Eastern European countries, of whom nine were trafficked to the UK.<sup>110</sup> Twenty per cent were minors at the time they were trafficked. However in general there are no reliable statistics about trafficking. The UK is a signatory to the European Convention on Action against Trafficking in Human Beings (2005) and has legislative provisions in immigration legislation which criminalise trafficking.<sup>111</sup> However the ERRC report argued that 'combating trafficking in human beings has been used as a pretext to promote racist policies against Roma in Europe', and Amnesty International has claimed that the UK government has lost sight of the key pillars of anti-trafficking which are identification, protection and prevention.<sup>112</sup> As discussed below in relation to children, critics have been calling for the proposed UK Modern Slavery Bill to do more to provide sufficient protection and support for recovery from trafficking. Given the distorted media coverage of reports of trafficking<sup>113</sup> which can feed into existing stereotypes and prejudice, this is a very sensitive area, but one that requires effective government action in partnership with civil society organisations.

## **Protecting the Rights of Gypsy, Traveller and Romani Children**

The lack of safe, secure and suitable accommodation underpins many of the inequalities faced by Gypsy, Traveller and Romani children and young people. Many Gypsy and Traveller families are forced to live daily with the insecurity of unauthorised sites because of the shortage of suitable legal sites. They then face the cycle of evictions and life on unsuitable roadside stopping places with no facilities. It should be noted that the Every Child Matters UK policy (2003) and cross departmental and inter-agency work on and for young people, which can potentially improve support for young Gypsies and Travellers, began unravelling in 2011 as a consequence of cutbacks which have impacted on large numbers of services and reduced government commitment.

108 Cemlyn, S., Smith-Bendell, M., Spencer, S. and Woodbury, S. (forthcoming 2014) 'Gender and community activism: the role of women in the work of the National Federation of Gypsy Liaison Groups, in A. Ryder, S. Cemlyn and T. Acton (eds) *Hearing the Voices of Gypsy, Roma, Traveller Communities: inclusive community development*, Bristol: Policy Press.

109 European Roma Rights Centre (2010) *Parallel Submission to the Committee on the Elimination of all Forms of Discrimination against Women for the Czech Republic*: 4 to 10 October 2010, available at: [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ERRC\\_2\\_CzechRepublic\\_CEDAW47.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ERRC_2_CzechRepublic_CEDAW47.pdf) (accessed: 20 May 2014).

110 European Roma Rights Centre (2011) *Breaking the Silence. A report by the European Roma Rights Centre and People in Need. Trafficking in Romani Communities*, available at: <http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf> (accessed: 21 May 2014).

111 In Brief, Free Legal Information, *Laws in the United Kingdom to prevent the trafficking of people*, available at: <http://www.inbrief.co.uk/offences/human-trafficking-uk-law.htm> (accessed: 22 May 2014).

112 <http://www.inbrief.co.uk/offences/human-trafficking-uk-law.htm>.

113 Peter Allen, "Roma gypsy children, are trafficked to and from Britain to steal for international criminal network" Paris court hears", MailOnline: 24 September 2012, available at: <http://www.dailymail.co.uk/news/article-2207821/Roma-gypsy-children-trafficked-Britain-steal-international-criminal-network.html> (accessed: 22 May 2014).



Allen and Adams (2013) in a good practice guide on social work have noted that methods for collecting data about the number of Gypsies, Travellers and Roma in the UK are fundamentally flawed, and so there is a lack of knowledge, including a lack of knowledge about the numbers of Gypsy, Traveller and Romani children in the care system. Evidence suggests that many children from these communities have had very negative experiences of the care system, where identity and culture are not adequately taken into account by service providers and policy makers, and little work has been undertaken to promote Gypsy, Traveller and Roma foster carers<sup>114</sup> within local authorities or established foster care agencies. However Gypsy and Traveller organisations such as One Voice, Derbyshire Gypsy Liaison Group and the UK Association of Gypsy Women have provided intensive support to individual foster carers, and a number of Gypsy, Traveller and Roma civil society organisations and researchers have recently established a project group to develop this area of work.

**Romani Children:** The issue of Romani children's welfare has also been highlighted by officials from local authorities, who participated in the National Roma Network led by Leeds City Council (Roma Source). The official minutes of one meeting (6/02/2013) state: "The issues of Roma children being taken into care was raised again. It continues to cause issues in local authority areas and members reported that Roma families were living in fear. The issues seem to stem from the criteria that social services use to determine whether a child is at risk and it was felt that the criteria were inflexible and do not take into account the cultural difference of Roma families". In England, the police mounted large-scale operations targeting Roma and human trafficking between 2007 and 2009 (Operation Golf, a Joint Investigation Team involving the Metropolitan and the Romanian Police with funding from the European Union). The educationalists Foster and Norton commented that Metropolitan Police press releases had sparked lurid and sensationalist press reports, and each of these articles made clear that the families involved were Roma,<sup>115</sup> Research by the Institute for Public Policy Research has reported that claims of trafficking have been exaggerated,<sup>116</sup> and there is a danger that this could reduce levels of trust and cooperation between the police and Roma communities and as a result actually reduce the prospects of restricting exploitative practices where they do occur. The UK does have specific legislation to protect children from trafficking and forced labour<sup>117</sup> and the UK government intends to introduce specific legislation on human trafficking in 2014. However, the campaign group Focus on Labour Exploitation (FLEX) warned that the UK Government's initial Modern Slavery Bill could fail to prevent exploitation or to protect victims as the government had failed to include any provisions for the protection or assistance of victims. Revisions were made to the Bill and Anita Tiessen, the deputy executive director of UNICEF UK, said the bill could help trafficked children by closing gaps in legislation and making victim protection central to the fight against modern slavery. The bill is currently progressing through parliament and it remains to be seen how robust the final Act will be in the protection of victims.<sup>118</sup> FLEX has noted that there is a need to tackle the root causes of trafficking for labour exploitation, including: unregulated labour markets; limited access to justice for workers; and labour sectors in which exploitation is rife.<sup>119</sup>

**Scotland:** In Scotland the Children and Young People Act was passed by the Scottish Parliament on 19 February 2013 and makes provision about the rights of children and young people in Scotland. The Act is underpinned by the Getting it Right for Every Child (GIRFEC) approach that sets out principles and values and a planning framework so that public services can work more effectively to improve outcomes for children and young people (including Gypsy and Traveller children). The Act supports a holistic view of the child and their family, based on an understanding of wellbeing, recognising strengths and barriers and

114 Allen, D and Adams, P (2013) *Social Work with Gypsy, Roma and Traveller children*, London British Association for Adoption & Fostering.

115 Foster, B and Norton, P (2012) Educational Equality for Gypsy, Roma and Traveller Children and Young People in the UK, *The Equal Rights Review*, Vol. Eight, 108, [http://www.academia.edu/4246631/Educational\\_Equality\\_for\\_Gypsy\\_Roma\\_and\\_Traveller\\_Children\\_and\\_Young\\_People\\_in\\_the\\_UK](http://www.academia.edu/4246631/Educational_Equality_for_Gypsy_Roma_and_Traveller_Children_and_Young_People_in_the_UK).

116 FRANET National Focal Point Social Thematic Study – The situation of Roma – UK (2012) – Human Rights Law Centre, University of Nottingham.

117 ECPAT UK, *Discussion Paper, Child Trafficking for Forced Criminality*, Winter 2010, available at: [http://www.ecpat.org.uk/sites/default/files/child\\_trafficking\\_for\\_forced\\_criminality.pdf](http://www.ecpat.org.uk/sites/default/files/child_trafficking_for_forced_criminality.pdf) (Accessed 23 May 2014).

118 Sam Jones, "Queen's speech: slavery bill to tighten trafficking laws and protect victims", *The Guardian*: 4 June 2014, available at: <http://www.theguardian.com/global-development/2014/jun/04/queens-speech-modern-slavery-bill-trafficking-laws-protect-victims> (accessed 4 June 2014).

119 Focus on Labour Exploitation, *Flex sets out roadmap for prevention of trafficking for labour exploitation in the UK*, 27 March 2014, available at: <http://labourexploitation.org/2014/03/27/workingpaper001prevention/> (accessed:22 May 2014).

working with the child and family to find solutions to improve outcomes. There will be duties on health and local authorities to put arrangements in place to ensure that there is a Named Person for all Gypsy/ Traveller children known to be residing in the board or local authority area. The process of developing the guidance will include opportunities to consult with organisations which support Gypsy/Traveller children and their families, and with the children and young people themselves.<sup>120</sup> There appears to be no specific reference to Romani children by the Scottish Government in GIRFEC.

**Wales:** The Travelling Ahead (2009) project, run by Save the Children and funded by the Welsh Government was set up specifically to give Gypsy and Traveller children and young people opportunities to speak up and be heard through local, regional and national forums. The drafting of the framework 'Travelling to a Better Future' included youth focused consultation, a dimension which has been lacking in much of the work of the other UK administrations. The project has set up local forums, which enable young Gypsies and Travellers to shape and guide advocacy and training initiatives which empower these young people. Funding from the Equality and Inclusion Grant has recently been received up to 2017.<sup>121</sup> The Rights of Young Children Measure places a duty on ministers of the Welsh government to promote the Convention on the Rights of the Child (CRC), and to consider the CRC every time they make a new policy or piece of legislation, review an old one or make regulations.<sup>122</sup>

**Northern Ireland:** In November 2013 the Traveller Child in Education Action Framework was launched and this Action Framework is a response to the high level strategic recommendations made by the Traveller Taskforce.

<b>The Interaction of Policy on GTR Communities and Key Aspects of the Equality Measurement Framework</b>	<b>Research Findings which indicate cause for concern when matched against the EMF criteria</b>
<p><b>Physical Security</b></p> <ul style="list-style-type: none"> <li>- Proportion that are victims of violent crime</li> <li>- Proportion that are victims of hate crime</li> <li>- Fear of Crime</li> </ul>	<p>High levels of prejudice towards Gypsies, Roma and Travellers create a strong fear of crime and equality laws are frequently ignored</p>
<p><b>Legal Security</b></p> <ul style="list-style-type: none"> <li>- Offences reported and brought to justice</li> <li>- Equal treatment by the police and criminal justice system (objective and subjective measures)</li> <li>- Equal protection and support for individuals with justiciable civil justice problems</li> </ul>	<p>The Legal Aid cuts will limit Gypsies, Travellers and Roma ability to challenge unfair treatment as tenants or enforcement actions on unauthorised encampments and developments</p> <p>Government legal aid restrictions on judicial review may amount to a breach of Article 6 of the European Convention on Human Rights (the right to a fair hearing).</p> <p>The lack of resources and underfunding within the Equality and Human Rights Commission has limited its ability to champion and defend the rights of GTR communities.</p>
<p><b>Identity, Expression and Self-Respect</b></p> <ul style="list-style-type: none"> <li>- Cultural identity and expression</li> <li>- Self respect</li> <li>- Freedom from stigma</li> </ul>	<p>Racism in political and media discourse impact negatively on GTR self respect and created stigma around group identity and culture</p> <p>For Gypsies and Travellers the shortage of sites and restrictions on nomadism as well as traditional occupations is a threat to traditional customs and habits</p>

120 Scottish Government response to recommendations. Equal Opportunities Committee – 1<sup>st</sup> Report, 2013 (Session 4) "Where Gypsy/ Travellers Live". June, 2013.

121 Interview with Trudy Aspinwall of Save the Children with Brigitta Balogh February 2014.

122 Interview with Trudy Aspinwall conducted by Brigitta Balogh – March 2014.

## GOOD PRACTICE

**Manchester Council** has been proactive in promoting Roma inclusion, bringing together local schools, council departments, voluntary organisations and the Romani Project at the University of Manchester. This work is guided by a Roma Strategy devised by the Council and involves targeted outreach, awareness raising and staff training and has effectively countered negative stereotypes and perceptions which were damaging community relations.

**Pride not Prejudice** – An important trigger to efforts to create more inclusive policing was the 'Pride not Prejudice' events where the Derbyshire Gypsy Liaison Group in partnership with a number of police forces organised highly successful awareness raising conferences and workshops bringing the police and Gypsies and Travellers together.

**The Association of Chief Police Officers (ACPO)** has conducted important strategic work on Gypsy and Traveller issues through their national leads, first Bill Holland, Assistant Chief Constable in Warwickshire, and now Janette McCormack, Assistant Chief Constable in Cheshire. Both officers have taken an active role in promoting more positive relationships between the police and Gypsy, Roma and Traveller communities. Key outputs have been the National Guidance and the Policing Response to Unauthorised Encampments which emphasises the value of the toleration of unauthorised encampments and the need for dialogue and mediation between different stakeholders.

**One Voice for Travellers** is a community organisation based in the East of England, coordinated by a female management committee. It seeks to reduce violence and promote equality of opportunities and good relationships between Gypsies and Travellers and the settled community. A key role is working with and supporting members of the Gypsy and Traveller communities who are in conditions of need, hardship or distress caused by or associated with violence, including support to women, young girls and children to recognise and deal with the effects of living with domestic abuse.

The case studies demonstrate the value of constructive engagement in maintaining good community relations and access to justice.

### 3. EDUCATION

The English national department covering education has traditionally enjoyed a close working relationship with practitioners and has been pioneering. The Department for Education (DfE) organises a Gypsy, Roma and Traveller Education Stakeholders' Group which contains practitioners and other stakeholders. Brian Foster Chair of the Advisory Council for the Education of Romany and other Travellers (ACERT) informed the evaluation "We have a very ideological Education Department... I think (the stakeholders' group) has got a limited purpose and we have got to work quite hard to make sure that it doesn't become a tokenistic talking shop".<sup>123</sup> As will become evident respondents expressed fears that the progress of past decades is at serious risk and there is a danger that the warning calls of the Stakeholders' Groups are not being listened to.

Analysis in 2014 by the Office for National Statistics revealed Gypsy or Irish Travellers had the highest proportion with no qualifications for any ethnic group (60%),<sup>124</sup> – almost three times higher than for England and Wales as a whole (23%).

Community respondents from all parts of the UK recounted challenging experiences either trying to access school or harsh treatment once within school. One Gypsy noted "A lot of Gypsies and Travellers are bullied and it's sometimes hard to put the children into school when you are travelling. And it's not just the kids that bully it's the teachers as well".<sup>125</sup> Bob Dawson, retired head teacher, provides a powerful description of an inclusive school and the ethos he strove to create for Gypsy and Traveller pupils: "Well, in school to make them feel that they were part of the school, and a very important part of the school and that we were one family in the school, I wanted everybody to understand no matter what, we can work together. The ethos was: We want to do the best for everybody and everybody wants to do well".<sup>126</sup> Nigel Groom, the lead for Traveller education in Derbyshire, commented: "I think working with the community, building trust, seeing people on a regular basis is really important and of course being prepared to go the extra mile"<sup>127</sup> However, this report indicates that the scope and support for such an inclusive vision of education is limited. Previous research by the EHRC has noted that Gypsy and Traveller children face similar issues in England, Scotland, Wales and Northern Ireland, of particular importance are low levels of participation, achievement and high incidences of bullying.<sup>128</sup>

#### *Achievement, Participation and Inclusion*

The latest figures for participation and achievement in England indicate a very alarming and stark picture which has existed over a long period of time. The former Ofsted inspector and education expert Arthur Ivatts OBE informed the evaluation "It is commendable that the DfE maintains school outcome data that affords such detailed ethnic disaggregation. The fact remains, however, that in the last four years it has not been put to any purposeful use in terms of informing much needed policy initiatives to address the gross

123 Interview conducted by Assen Slavchev March 2014.

124 Office for National Statistics (2014) *Census Analysis, What does the 2011 Census tell us about the characteristics of Gypsy or Irish Travellers in England and Wales?* These indicators of exclusion may even be wider than indicated as it is believed that the most marginalised Gypsies, Roma and Travellers with low literacy levels and or a lack of secure accommodation will not have completed the census. Furthermore as noted on pages of this report there are serious information gaps in the data collected on these communities.

125 Interview conducted by Article 12 in Scotland.

126 Interview conducted by Tom McCready – February 2014.

127 Interview conducted by Tom McCready – March 2014.

128 EHRC (2009) 'Inequalities Experienced by Gypsy and Traveller Communities', [http://www.equalityhumanrights.com/uploaded\\_files/research/12inequalities\\_experienced\\_by\\_gypsy\\_and\\_traveller\\_communities\\_a\\_review.pdf](http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf).

and persistent underachievement and exclusion of Gypsy Romani and Traveller pupils. This is symptomatic of the Department's seeming reluctance to engage seriously with the issues apart from at a very superficial level and with little relevance to what is really needed to secure equality of outcomes for these groups of children and young people.<sup>129</sup> (The poor participation and attainment rates, as evidenced in the detailed DfE data, indicates a lack of direction and impetus by the Government – see appendix 5 prepared by Brian Foster from data provided by the DfE from the Annual School Census).

The National Association of Teachers of Travellers (NATT+) has noted that baseline data on pupil attainment, participation and exclusion will only be available for children who have ascribed to their Gypsy, Traveller Roma heritage in ethnic monitoring and, since self-ascription rates for these children are generally very low according to experts and governmental reports, any data has to be viewed with caution as it does not tell the full story.<sup>130</sup> The overall situation, however, is much worse than it appears in terms of the data on attainment, attendance, SEN (Special Educational Needs) and exclusions. Not only is the point made above by NATT+ about the distorted data on account of limited ethnic self-ascription, but there is also the Department of Education's own research evidence that indicated that approximately 50% of Gypsy Traveller pupils drop out of secondary school prematurely.<sup>131</sup>

The Government has not been proactive in expressing concerns or initiatives related to the marked underachievement of Gypsy Traveller and Romani pupils, nor taken any action to address the issue of a mass dropout of these pupils from the secondary school system. Such inaction is in breach of the Government's legal duties to national and international law, not least the Public Sector Equality Duty, the EU Race Directive,<sup>132</sup> the UN Convention on the Rights of the Child, the UNESCO Convention against Discrimination in Education and The European Framework Convention for the Protection of National Minorities.

#### *Repeal of Section 444 (6) of the 1996 Education Act*

Community groups and educationalists are concerned about the proposed repeal of section 444 (6) of the 1996 Education Act and disagree with the views of the Government that it will increase attendance of nomadic Travellers, believing instead that it will result in an increase in numbers of children not registered in schools and increased numbers opting for 'Elective Home Education' (EHE) as well as increasing numbers of 'Children Missing from Education'. NATT+ has argued that no proven evidence exists showing any link between non-attendance and section 444(6) and has described the repeal as 'misguided'. ACERT has argued that support for distance learning has been undermined in recent years by cuts to Traveller Education Support Services, which have reduced their capacity to support nomadic pupils, and by the demise of ELAMP (the Electronic Learning and Mobility Project). ACERT has concluded, "The repeal of s444 (6) would add another nail to the coffin, and remove another element of the flexibility that all research has shown to be the key to improving the outcomes of Gypsy, Roma and Traveller children".<sup>133</sup> Brian Foster, Chair of ACERT, has said that the change could upset parents because they would feel it was an attempt to "criminalise" them. "They may feel that they are more vulnerable to prosecution".<sup>134</sup>

Anecdotal evidence suggests a large number of Gypsy and Traveller pupils have opted for home education, in part because of frustrations with mainstream school which include discrimination and or dissatisfaction with the curriculum.<sup>135</sup> According to NATT+ Elective Home Education in its present form is in fact one of the main barriers to Gypsy Romani and Traveller children completing compulsory education and yet, unlike with moves to repeal section 444 (6) of the 1996 Education Act, there has been no move to change this. No

129 Written submission by Arthur Ivatts – February 2014.

130 Wilkin, A. Derrington, C. White, R. Martin, K. Foster, B. Kinder, K and Rutt, S (2010) Improving the Outcomes for Gypsy, Roma and Traveller pupils: final report – Research Report DfE – RRO43, [https://www.gov.uk/.../attachment\\_data/file/181669/DFE-RR043.pdf](https://www.gov.uk/.../attachment_data/file/181669/DFE-RR043.pdf).

131 DfE and NFER (2010) "Improving the Outcomes for Gypsy, Roma and Traveller pupils: Final Report. Department for Education.

132 The Racial Equality Directive 2000/43/EC.

133 ACERT – Responses to s444(6) consultation.

134 Times Educational Supplement (20th April, 2012) Reforms may put Travellers on road to prosecution, <http://www.tes.co.uk/teaching-resource/Reforms-may-put-Travellers-on-road-to-prosecution-6210929>.

135 The law states that parents must ensure their child receives a full-time education from the age of five, which is suitable to their age, ability, aptitude and any other special needs they have. This can be done through regular attendance at school or through electing to educate them at home.



steps have been taken to track progress or otherwise of enrolment, retention and dropout rates.<sup>136</sup> There is a need for improved local authority support and evaluation of EHE.

### *The Decline of Traveller Education Support Services*

A cause for concern amongst groups like ACERT and NATT+ and Gypsy, Traveller and Roma organisations, including the Showman's Guild, has been the fragmentation of local Traveller Education Support Services (TESS), leading to the closure of or severe reductions in services and or redundancies which have been prompted in part by major cuts in local authority expenditure. NATT+ has noted "There have been no national initiatives to promote inclusive education specifically for Gypsy Roma Traveller children. Where good practice does exist it is still usually championed by Traveller Education Services (or individuals working on Gypsy Roma Traveller issues as part of a wider role) within different local authorities... The severe cuts to local authorities and the subsequent impact/demise this has had on a large number of Traveller Education services has made it very difficult to continue this vital work".<sup>137</sup>

A Traveller Education Service Teacher with over two decades of experience informed this evaluation that their team had been cut by two thirds as a result of austerity measures and they could no longer meet Gypsy and Traveller families and go onto sites. All the remaining two members of staff could do was offer strategic advice and support to schools and hope they reached out to these communities. On one level this was welcomed, as if schools meet the challenge new and inclusive relationships can be formed but there was a genuine fear this would not happen in some schools. Fears were expressed that advances and progress achieved, in part through Traveller Education Services having direct contact with families and providing support, would be lost. The teacher noted "I built up relationships over 20 years, I feel I modelled good practice and showed other practitioners by example how inclusive work can be achieved but now that some community members are asking where we are, and I feel like I have let families down".<sup>138</sup> The teacher was particularly worried that with this change to a more strategic approach some Gypsy, Traveller and Romani pupils who were especially vulnerable were slipping through the net and their problems were being undetected.<sup>139</sup>

Foster and Norton comment with regards to the changing financial and support terrain of education for Gypsies, Travellers and Roma: "Research carried out by the Department for Children, Schools and Families<sup>140</sup> suggests that schools deliver best where they feel they have been granted "ownership" of the children by their communities, i.e. that Gypsy, Romani and Traveller children are the school's responsibility, and most guidance issued over the past 10 years has encouraged them to do so; with the reduction of TESS there will now be fewer alternatives. Local authorities have tended to see Traveller Education Services as a marginal concern, a distraction from the core business of school improvement, but now they will have to develop their role as 'champions of vulnerable children and families'".<sup>141</sup> The essential ingredients needed for schools to develop such roles are clear guidance, direction and resources, all of which may be lacking at present given some of the observations contained in this report.

One of the key recommendations in the Cross Ministerial Working Group progress report, which forms one of the 28 commitments within the submission to the EU Framework for NGTRIS, was the Virtual Headteachers pilot project in ten areas.<sup>142</sup> The aim of the posts was to provide the training and support at a strategic level to encourage schools and staff to develop effective strategies and support for Gypsy, Traveller and

136 A national review of EHE (Badman, 2009) recommended a national registration system and improved local authority support and these proposals were included in the Education Act 2010 but the clauses were dropped because of a lack of support from opposition parties.

137 NATT submission January 2014.

138 Interview conducted by Janie Codona – February 2014.

139 Interview conducted by Janie Codona in January 2014.

140 Now Department for Education.

141 Foster, B and Norton, P (2012) Educational Equality for Gypsy, Roma and Traveller Children and Young People in the UK, The Equal Rights Review, Vol. Eight page 108, [http://www.academia.edu/4246631/Educational\\_Equality\\_for\\_Gypsy\\_Roma\\_and\\_Traveller\\_Children\\_and\\_Young\\_People\\_in\\_the\\_UK](http://www.academia.edu/4246631/Educational_Equality_for_Gypsy_Roma_and_Traveller_Children_and_Young_People_in_the_UK).

142 The virtual head teachers' pilots and the exclusions trials are both in progress and are due to report in 2014 and 2015 respectively Parliamentary answer by The Parliamentary Under-Secretary of State for Schools (Lord Nash, <http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/130422w0002.htm>).



Romani pupils. Until the formal review of the pilot has been completed and scrutinised it will be difficult to fully assess the success of this reform. However Brian Foster, Chair of ACERT, has indicated the results may be mixed, in part because of the relatively small financial commitment (probably less than 200-250,000 GBP). In addition some large areas were selected like Cambridgeshire and Kent which only had funding for a part-time head teacher post. Foster also informed the evaluation that two authorities dropped out before the project even began and another dropped out fairly early on in the project. These were not replaced. According to Foster "In Kent and Cambridge there has been good practice established and I actually think the posts have made a difference but it is very clear that the DfE doesn't plan it to actually be a pilot, they plan for it to come to an end. There may be a report, the report will probably go on their website, if anyone cares to read it they can follow its recommendations but it is a minimum government commitment, tiny amount of money and I don't think it will make any difference."<sup>143</sup>

### *Ofsted*

ACERT has raised serious concerns regarding Ofsted (Office for Standards in Education) school inspections and the bullying survey. In a letter from the President of ACERT, Lord Avebury, it was noted that the Ofsted 2012 Framework for School Inspections makes no reference to Gypsy, Romani and Traveller children, or indeed to any other group of vulnerable children. The associated handbook for school inspection from September 2012 refers to Gypsies, Roma and Travellers in a footnote (15, p23) as those with protected characteristics, as defined by the Equality Act 2010. It should be noted that the previous version of the same paragraph explicitly included Gypsies, Roma and Travellers, thus the new version is not as direct as that which was in operation before. On the matter of bullying and the pledge to undertake a survey, page 10 of the current framework reads: "In line with its Schools White Paper commitment, Ofsted is conducting a survey." However, it should be noted that the survey report 'No place for bullying' includes just one specific reference to Gypsies, Roma and Travellers: "A third primary school that had an annual influx [sic] of Traveller children for a short period of time prepared all pupils for their arrival, exploring the Travellers' culture and aiming to ensure smooth integration and a lack of bullying." ACERT has pointed out that they consider the word "influx" as indicative of the prejudiced standpoint of the authors.<sup>144</sup>

These particular two commitments by the Department of Education within the NGRIS concerning the work of Ofsted have transpired to be quite futile. In regard to the Ofsted report on prejudiced based bullying the nature of the commitment was only for the Department to read the report. As referred to above, the actual report was extremely marginal to the interests and concerns of Gypsy Roma and Traveller communities, and potentially counter-productive in terms of possibly promoting negative racial stereotypes. Under pressure from the Stakeholders Group the Department for Education has since commissioned a small survey exercise by Ofsted on good practice with the management of bullying in schools towards Gypsy Roma and Traveller pupils. This has yet to be published. With regard to specific references within the Ofsted official guidance publications for school inspection procedures, there were revisions in the summer of 2013 with the result that there are now virtually no meaningful and informed references to inspection assessments around the educational needs of Gypsy Roma and Traveller children and young people.

### *The Indirect Discriminatory Structure of the Pupil Premium*

The Pupil Premium is based on the number of pupils who are or have been eligible for free school meals (FSM). 43.2% of all pupils registered as either Gypsy, Roma or of Irish Traveller background are currently eligible for FSM; this figure rises to 45.3% in secondary schools and 57.5% in Special Schools. It should be noted though that not all Gypsy Romani and Traveller pupils are receiving FSM although they remain very vulnerable in the education system with needs not being addressed or supported because of the limitations of the Pupil Premium. Some low-income Gypsy and Traveller families have difficulties navigating the welfare system and their children are not assigned as FSM. This situation may have impacted more seriously on Romani migrant pupils. To qualify for the extra cash for schools, parents must be in receipt of benefits, including child tax credits. But many Roma migrants who have arrived from countries in Central Eastern Eu-

<sup>143</sup> Interview conducted by Assen Slavchev – February 2014.

<sup>144</sup> Letter from Lord Avebury to Nick Gibbs Minister for Education July 2, 2012.

rope, are not entitled to benefits because they have not been in permanent employment or work as casual labour. A teacher at a community college with a large number of Romani pupils, who was interviewed for the report, elaborates on this "...a large number of the Roma families don't (bring a pupil premium into the school) simply because a lot of them are on zero hours contracts...and they're exploited ...they will get Working Tax Credit but they don't qualify for free school meals. If they don't qualify for free school meals there is no Pupil Premium. So out of our 81 Eastern European Roma 48 qualify for pupil premium, 33 don't but those 33 are no more wealthy or better off than the other families."<sup>145</sup>

The DfE has been made fully aware of the defects of the Pupil Premium by the work of the Stakeholders Group and NGOs, but has seemed determined to keep the terminology of 'Gypsy Roma and Traveller' away from one of their flagship policies. We would argue that alongside FSM the Pupil Premium criteria should also specifically include belonging to a group identified as being 'at risk and or vulnerable'. This would provide funding regimes which will make schools even more inclusive. A number of advocacy groups have expressed concerns that there is insufficient guidance to schools to encourage them to apply the Pupil Premium most effectively to Gypsy Romani and Traveller pupils. The Ofsted evaluations of the use of the Pupil Premium to help raise standards for children from poor homes have raised serious concerns about the effective and efficient use of the funding by schools.

A limited amount of money has been obtained from the EU to assist in promoting inclusion in schools. Pembrokeshire County Council used such funds to deliver interventions to promote educational achievement by young members of the Gypsy Traveller population. Other projects have focused more on vocational training (See appendix 3)

### *National Strategies*

Concern has also been expressed by education practitioners that the National Educational Strategies initiative has ended, which led to a significant loss of funding for a range of special initiatives to support Gypsy Romani and Traveller children. A team of three specialists were employed fulltime to provide national coverage with advice and support to teachers, schools and local authorities. In response to the educational commitment to publish good practice guidance from schools with positive experiences, the DfE collected a range of materials from a few schools and these case studies were put on the Department's website. There would seem to have been little publicity and no evaluation by the DfE of this initiative. It is to be regretted that the excellent publications from the previous National Strategies' dedicated team for raising Gypsy Roma and Traveller achievement should have been discarded by the Coalition Government in 2011. The set of five booklets entitled "Moving forward together: Raising Gypsy Roma and Traveller achievement"<sup>146</sup> provided the blueprint of the best practice in Europe based on the professional experience of teachers over a period of 30 years or more and which far surpassed the good practice case studies gained from a few schools by the current administration as previously referenced.

### *Academies and Acts of Segregation*

Academies are State funded schools in England which are directly funded by central government (specifically, the Department for Education) and independent of direct control by Local Government in England. For some time fears have been expressed that academies might be less inclusive than local authority schools towards groups like Gypsies, Travellers and Roma in terms of their admission procedures and support provided to such pupils where admitted. Andy Harvey of the Roma Support Group expressed concerns about the admissions procedure of one Academy School, which it was claimed would deter applications from a growing Roma community. Academies are their own admissions authorities, it has been claimed that bureaucratic procedures and pre entry banding/aptitude exams can deter marginalised groups from applying.<sup>147</sup> Arthur Ivatts informed the evaluation that in some rural locations a few small primary schools have become de facto segregated on account of the withdrawal of non-Gypsy Roma and Traveller pupils following the admission of Gypsy Roma and Traveller pupils. "Although the Government

145 Interview conducted by Tom McCready March 2014.

146 DCSF (2009), *Moving forward together: Raising Gypsy, Roma and Traveller achievement* (Ref: 00710-2009FLR-EN).

147 Interview conducted by Przemek Kierpacz – March 2014.

has been informed of this situation no actions have been taken to desegregate the local provision even though government officials have visited the schools”.

### Roma

Much of the discussion in the previous sections of this report concerning support and funding is equally relevant for Romani pupils as for Gypsies and Travellers. Local authorities were asked by Salford University in which areas they were doing most work with migrant Roma communities; education was overwhelmingly the most significant area.<sup>148</sup> The UK submission to the EU Roma Framework notes in relation to Roma “the body of research is increasing, and this provides some encouraging evidence of Roma integration, while local authority reports of integration challenges make clear that there is no cause for complacency”.<sup>149</sup> Manchester City Council have developed a ‘Roma Strategy 2011–2014 and have emphasised that school attendance is constrained not by the attitudes of the Roma but by the availability of school places. A commentary on the strategy by the University of Manchester notes that where schools establish effective outreach and contact with Roma parents creating trust and understanding then educational participation is further enhanced.<sup>150</sup> (See Good Practice). Research by the advocacy and support group Equality in 2011 provided evidence that a number of Roma children who had previously been in segregated or special schools in their countries of origin successfully completed their education at mainstream schools in the UK.<sup>151</sup> The report made a number of recommendations which included:

- Learning identified in the research should be promoted to, and shared with, other schools in the UK that have Roma communities.
- Schools that took part in the research should consider forming a network to share experience and practice.
- The UK Department for Education should consider how it can help disseminate good practice that increases attendance levels and the academic attainment of Roma pupils.

Weak guidance and direction from central government and the decline in TESS and other support services has reduced the potential application of these recommendations and or the potential to deliver good practice as reflected in the work of Manchester City Council.

### Scotland

The UK submission for the EU Roma Framework notes the following: The Education (Additional Support for Learning) (Scotland) Act 2004 provides the legal framework for identifying and addressing the additional support needs of children and young people who face a barrier, or barriers, to learning and requires each authority to have a named person who will be responsible for providing information and advice on the local arrangements for children with additional support needs. The Act has been subsequently amended and strengthened by the Education (Additional Support for Learning) (Scotland) Act 2009. The submission notes:

- The Scottish Traveller Education Programme (STEP) – 113,700 GBP – received joint funding from the Scottish Government’s Equality and Communities Division and the Learning and Justice Directorate of 50,000 GBP and 63,700 GBP respectively, in order to enable the continuation of the programme’s work in creating a virtual learning environment for young Gypsies/Travellers enabling them to stay engaged in education.<sup>152</sup>

148 Brown, P., Scullion, L. and Martin, P. (2013) *Migrant Roma in the United Kingdom: population size and experiences of local authorities and partners*, Manchester: University of Salford.

149 Council Conclusions on an EU Framework Strategy for Roma National Integration up to 2020: United Kingdom of Great Britain and Northern Ireland.

150 Romani Project, University of Manchester (2013), Commentary on Manchester City Council, document: ‘Roma Strategy 2011–2014’

151 Equality (2011) School attainment of Roma pupils: From segregation to inclusion, <http://equality.uk.com/Education.html>.

152 Council Conclusions on an EU Framework Strategy for Roma National Integration up to 2020: United Kingdom of Great Britain and Northern Ireland.

The Scottish Parliament Equal Opportunities Committee in 2013 noted that the Scottish Government made a commitment in the past to develop an education strategy for Gypsy/Travellers, “but there is a lack of evidence on this to date”. The EOC called upon the Scottish Government to create an action plan aimed at supporting the transition of young Gypsy/Travellers from primary to secondary education. In 2013 the Scottish Government Equality Outcomes and Mainstreaming Report set out a specific ‘outcome’ for education which identifies Gypsy/Traveller children and young people under the protected characteristic of race for which they have set out specific actions.<sup>153</sup> However, the Scottish Government Equality Outcomes and Mainstreaming Report merely outlines the nature of the exclusion that Gypsy, Roma and Traveller communities face and broad equality commitments which public bodies should consider, it does not constitute a detailed action plan on education. In its submission to the EOC, the STEP made a number of points:

1. Many national and local level providers, including many teachers, have little knowledge of the cultural and social differences between Traveller communities, with the result that “one size fits all” policies and practices inevitably fail to “fit the requirements” of families or service providers.
2. A lack of a safe place to live impacts negatively on any child’s education, and particularly for Gypsy/Traveller families. Wherever a Gypsy/Traveller family lives many report painful experiences of racist treatment that negatively influence a family’s engagement in education.
3. Education delivered in out-of-school settings continues to be a marginal experience for learners and teachers e.g. access to Internet for communication, research and interactive learning purposes (as available to school based teachers and learners) continues to be impossible for some and unreliable for others.
4. Research and anecdotal reports from local authorities show that while all face considerable challenges in delivering access to Curriculum for Excellence, for secondary-aged Gypsy/Travellers provision varies, ranging from school attendance to two hours per week tuition in an out-of-school setting.
5. Annual engagement with local authorities shows that a majority of local authorities have limited accurate knowledge of Gypsy/Travellers and their lifestyles. Very few appoint designated staff with a remit to make initial contact with families. This aspect of provision is frequently carried out on an ad hoc basis.<sup>154</sup>

Roma were not included in the inquiry by the EOC but the mapping exercise of Roma in Scotland has stated many councillors do not perceive that providing additional support for say, 30 children or 10 families, offers value for money. So a lack of political will to deal with this difficult area and additional resource requirement means that Roma, and other minorities, may not be properly served by their Council area. The mapping exercise also found many Roma children in schools lack appropriate uniform and experience high levels of poverty. It was also noted that engaging with parents is a challenge and is critical to a child’s success.<sup>155</sup> The lack of designated staff, knowledge and resources identified by STEP clearly has implications for the educational inclusion of Romani learners.

In their response to this evaluation STEP noted, with reference to educational participation and achievement, that there are many live concerns regarding successful outcomes in education for Gypsy, Roma and Traveller pupils that “...have been ‘on the table’ and not dealt with for many years”.<sup>156</sup> It remains to be seen whether the developing Scottish strategy will address these concerns.

## Wales

‘Travelling to a Better Future’ Gypsy and Traveller Framework for Action and Delivery Plan outlines the policy framework for Gypsy and Traveller education in Wales and formed part of the UK submission for the EU Roma Framework. Key points include:

153 Equal Opportunities Committee – 1st Report, 2013 (Session 4) “Where Gypsy/Travellers Live”.

154 Submission from the Scottish Traveller Education Programme.

[http://www.scottish.parliament.uk/S4\\_EqualOpportunitiesCommittee/Inquiries/Scottish\\_Traveller\\_Education\\_Programme\(1\).pdf](http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/Scottish_Traveller_Education_Programme(1).pdf)

155 The Social Marketing Gateway (2013) Mapping the Roma Community in Scotland Final Report, <http://www.scotland.gov.uk/Resource/0043/00434972.pdf>.

156 Written Response to Article 12 – February 2014 – Dr Pauline Padfield Director of STEP.

1. The Welsh Government provides an annual grant for the education of Gypsy and Traveller children which part funds the work of the TESS. The grant meets 75% of the cost of projects which improve the opportunities for children of Gypsy and Traveller families to access education. The remaining 25% of the programme money is provided by the local authorities.
2. The Welsh Government's Department for Education and Skills provides the secretariat and chair for a Gypsy and Traveller education forum, which draws together local authority practitioners from across Wales who are working to support Gypsy and Traveller Education.<sup>157</sup>

The TESS network in Wales, unlike that of England, appears to have remained intact. According to the Welsh Government over 2,000 children benefit from their Specific Grant for the Education of Gypsy Children and Traveller Children, which provides 1.1m GBP per annum in 2013/14 and 2014/15. In Wales the Pupil Deprivation Grant (PDG), which is similar to, but not the same as, the Pupil Premium in England supports pupils aged between five and 15 at the beginning of the school year who are eligible for free school meals, and those who are aged between four and 14 who are looked after children. The grant will rise in 2014-15 from 450 GBP per eligible pupil to 918 GBP per eligible pupil. The rise is for one year only and will return to 450 GBP the following year.<sup>158</sup>

A national seminar supported by the Welsh Government was held in February 2014 to explore ways of improving school attendance rates for Gypsy and Traveller children. Activity on raising Gypsy and Traveller attendance and attainment is on-going and was a feature of an all Wales conference for education practitioners 'Raising Aspirations – Minority Ethnic Achievement in Education' in March 2014.<sup>159</sup> 'Travelling to a Better Future' does not make reference to Roma and their education but they are included in the remit of work by TESS.

### *Northern Ireland*

The UK submission for the EU Roma Framework details how through a regional Inclusion and Diversity Service, the Department of Education provides support for pupils and their parents. The Diversity Service provides interpreters, translators and a multi-lingual website for teachers and parents; direct funding allocations to schools to afford them the flexibility to determine the best way to welcome, value and support newcomer pupils and promote their inclusion; and good practice guidance which was issued to schools in 2010.

Romani and Traveller pupils in grant aided schools are allocated additional funding of over 1,000 GBP per year for each Traveller pupil. The same amount is allocated to schools for each pupil who does not have sufficient skills in the language of instruction to participate fully in the school curriculum. As Roma pupils face barriers to education similar to Traveller children and also have significant difficulties with English, schools receive additional funding of over 2,000 GBP every year for each Roma pupil. The Educational Welfare Service has put in place a programme to support Roma families and the schools attended by Romani children which includes: early intervention with Roma parents to improve school attendance; developing education resources for Roma families; developing protocols; and collecting and assessing data. The Education and Library Boards provide a Traveller Education Support Service to schools with Traveller children, the pupils themselves and their parents. The Service has been reorganised on a regional basis to improve the consistency and co-ordination of support.

Free school meals eligibility on humanitarian grounds has allowed schools to give free school meals to Romani children who suffer from extreme poverty but whose parents, unlike Traveller parents, did not meet the previous eligibility criteria.

The Department of Education in Northern Ireland consulted on the draft Traveller Child in Education Action Framework between 24 September 2012 and 31 December 2012. The figures from the consultation show that almost two thirds of the tick box consultation respondents were parents of Traveller children.

157 'Travelling to a Better Future' Gypsy and Traveller Framework for Action and Delivery Plan, [http://ec.europa.eu/justice/discrimination/files/roma\\_uk\\_strategy\\_annex1\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_uk_strategy_annex1_en.pdf).

158 Written submission from the Welsh Government – March 2014.

159 *Ibid.*



Approximately 90% of the respondents (mostly Travellers) did not think that overall, the actions outlined in the draft framework would improve engagement, inclusion, participation and achievement.<sup>160</sup> Qualitative responses to the survey give some indication as to why there were some doubts as to the potential effectiveness of the Framework and included the following concerns:

- Lack of a timeframe for the objectives to be met and the lack of detailed mechanisms to deliver the plan.
- Respondents felt that the actions should increase engagement but that participants had to feel informed and valued. Good practice also needs to be shared and communicated. It needs to be long term and substantial.
- Inclusion needs to be fostered by all participants. It must include a positive celebration of Traveller culture and traditions.
- Concerns were expressed that TESS would not be able to adapt or be flexible enough to deal with local issues.

The Framework was launched in November 2013 by the Education Minister John O'Dowd who stated "I encourage schools to continue to engage with Traveller children and their parents, employ inclusive teaching strategies and create a positive ethos within the school environment where diversity is celebrated. We now have a regional Traveller Education Support Service (TESS) which is funded by my Department to provide support and advice to schools. I urge schools to avail of this valuable service".<sup>161</sup> An independent Monitoring and Evaluation Group will be established to monitor the Action Framework. That group will report progress directly to the minister. It remains to be seen whether initial concerns are well founded or whether the Education Action Framework can raise inclusion. The Framework deals with Irish Travellers, Roma are not included.

### General Comments

Following from this review of education in the UK it is evident that austerity measures have greatly undermined England's ability to support inclusive educational measures, ensure full educational participation from childhood to adolescence and develop strong links with families. It is encouraging to note that good practice or a strategic approach is supported in Northern Ireland and Wales, with the prospect of a more strategic approach being developed in Scotland. There are concerns that Roma are not being sufficiently included in educational policy development across the UK. It is worrying to note that growing anti GTR prejudices are leading to forms of educational segregation and whilst unlike in Central and Eastern Europe special needs provision does not appear to be used as an instrument of segregation, cutbacks mean that GTR pupils with learning difficulties will not be getting the support they need.

The Interaction of Policy on GTR Communities and Key Aspects of the Equality Measurement Framework	Research Findings which indicate cause for concern when matched against the EMF criteria
<p><b>Education and Learning</b></p> <ul style="list-style-type: none"> <li>– Basic skills</li> <li>– Educational qualifications</li> <li>– Being treated with respect in education</li> </ul>	<p>Analysis in 2014 by the Office for National Statistics revealed Gypsy or Irish Travellers had the highest proportion with no qualifications for any ethnic group (60%)</p> <p>The fragmentation of Traveller Education Support Services and forms of segregation in education means that GRT pupils remain the lowest achieving, participating and most vulnerable group in the education system.</p> <p>Government is failing to address underachievement of Gypsy Roma and Traveller pupils nor taking sufficient action to address the issue of a mass dropout of these pupils from the secondary school system.</p>

160 Department of Education Northern Ireland (2013) – Summary Report of Responses to the Consultation On the Draft Traveller Child in Education Action Framework [http://www.deni.gov.uk/draft\\_summary\\_report\\_of\\_responses\\_to\\_the\\_consultation\\_traveller\\_action\\_framework.pdf](http://www.deni.gov.uk/draft_summary_report_of_responses_to_the_consultation_traveller_action_framework.pdf).

161 Northern Ireland Executive, *O'Dowd launches Traveller Education Framework*, 13 November 2013, available at: <http://www.northernireland.gov.uk/news-de-131113-odowd-launches-traveller> (accessed 30 March 2014).



## GOOD PRACTICE

**Traveller Education Support Services** – Traveller Education Support Services (TESS) have often been held up as one of the most important models of inclusive service for Gypsies, Roma and Travellers and have been admired and praised not just in the UK but also in Europe. Despite the impact of cutbacks detailed earlier in the report, important and valuable work is still being undertaken by the remaining TESS.

**Pembrokeshire Traveller Support Service** provides an example of how flexibility combined with strong relations with Gypsies, Roma and Travellers can create inclusive learning experiences. In the past there was parental opposition in Pembrokeshire to Gypsy and Traveller children transferring to secondary school, but there was support for onsite education. The TESS found a compromise in the form of the Priory Centre where Gypsy pupils can access vocational study with a view to later reintegration into mainstream secondary education or at college. Through trust and partnership levels of secondary attendance have risen. The Priory Centre also offers evening classes for adults in English and Maths and a BA programme in Inclusive Education which is taught through night classes at the centre, attended by five adult Gypsy learners. At the Monkton Secondary School, the main secondary school which Gypsy pupils attend, there have been three Gypsy school governors over an 18-year period.

**Heritage and Culture** – Gypsy Roma and Traveller History Month has been a great success in promoting the culture of these communities in schools and the wider communities. Despite no longer receiving any government resources a range of community groups, schools and other institutions are working hard to celebrate the month and keep the project alive. **The Romani Cultural and Arts Company** and the **National Federation Of Gypsy Liaison Groups** are amongst two of the groups who have organised and supported a range of activities under the umbrella of the month. The Heritage Lottery Fund has been a strong supporter of the activities and projects organised.

The case studies demonstrate the strength of celebrating GTR culture in the wider community and value of flexibility rather than uniformity.

## 4. EMPLOYMENT

Analysis in 2014 by the Office for National Statistics revealed that Gypsy or Irish Traveller was the ethnic group classification with the lowest proportion of respondents who were economically active at 47%, compared to 63% for England and Wales as a whole. Only half of those who were economically active were employed (51% compared to 75% for the total of England and Wales). Gypsies or Irish Travellers had the highest proportion of self-employed out of the ethnic groups at 26% compared to 14% for England and Wales.<sup>162</sup> The Department for Work and Pensions (DWP) the chief employment department has a UK wide remit hence much of the following section is UK focused.

The Cross Ministerial Working Group (CMWG) progress report, which is referred to in the UK submission to the EU Roma Framework and formed an annex to this submission, makes a number of references to employment matters.<sup>163</sup> The CMWG has pledged that the Department for Work and Pensions will provide personalised support to Gypsies and Travellers via the Work Programme and, where needed, Gypsies and Travellers will have access to appropriate skills support. Gypsies and Travellers will be included as a monitoring category in IT, processing and management information systems with changes being made for the introduction of Universal Credit in 2013. In addition the Government pledged to improve internal guidance and staff awareness of Gypsies and Travellers as ethnic groups, identify informative case studies and instances of best practice, review and promote the existing guidance on working with Gypsies and Travellers and encourage measures to improve their financial inclusion. Equality work within the DWP has been compromised by staff cuts, at the same time as staff are expected to introduce significant new reforms and fears have been raised about staff morale. All of these factors could push equality issues to the periphery within the DWP and there is a fear that declared objectives to train staff and provide more flexible support will be seriously undermined by staff reductions in the DWP.

In the UK the education leaving age has been raised to 19 (which means young people must be in some form of education and or training). Some local authorities are providing flexible and targeted measures which are assisting GTR adolescents but these are few and far between. As noted earlier in the report there are high levels of non attendance by Gypsy and Traveller pupils at secondary school and this fact together with the demise of TESS makes it difficult to engage with adolescent learners. In addition the abolition of the Education Maintenance Allowance (EMA) in England which gave payments to adolescent learners may impede participation (Richardson and Ryder, 2012). EMA has been replaced by a bursary scheme focused on students from less wealthy households. The bursary is paid to the educational establishment, unlike EMA which was paid to the student. Thus the amount of support GTR pupils receive from the bursary may be dependent on an institution's awareness and appreciation of the difficulties experienced by GTR learners, in some cases this will be limited. Some local authorities have developed innovative training approaches using EU monies (see appendix 3). Despite pledges by the DWP to offer personalised support there appears to be little evidence as yet of targeted and bespoke measures to assist GTR women to enter employment or gain new skills and assist the growing need for GTR women to contribute to family income through waged employment.

The Scrap Metal Dealers Act (SMDA) has been the cause of serious concern for Gypsy and Traveller communities who have argued it will make it extremely difficult for Gypsy and Traveller scrap dealers to operate, especially those who engage in such activities in several districts given the requirement that mobile collec-

<sup>162</sup> ONS (2014) Census Analysis, What does the 2011 Census tell us about the characteristics of Gypsy or Irish Travellers in England and Wales?

<sup>163</sup> DCLG (2012) Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers.

tors are licensed in each borough and district within which they operate. It should also be noted that there is a large variation in the cost of the license fees set by local authorities. In addition many family members work together and they cannot afford licenses for every family member. These measures it is feared will have a detrimental impact on the traditional 'Traveller Economy' and could also limit the scope of the valuable recycling work being undertaken by Gypsies and Travellers.

Joanna Price, an English Gypsy, describes the challenges posed to the traditional Traveller economy "...our men with the boys they could go out and they could collect scrap metal...but now there's so many rules and regulations and they've got to have so many different things, half of the people used to do scrap they just finished they don't do it anymore."<sup>164</sup> A Gypsy respondent likewise describes the impacts of new regulations and restrictions on door step trading: "The new trading laws take away our Gypsy culture. Gypsy/ Travellers have been brought up learning their own ways to hawk (selling at the door) and it will be hard to adjust to the new laws. We should be allowed to keep our traditional ways of work."<sup>165</sup>

Problems like those outlined above regarding understanding and working within new regulations emphasise the findings of previous research which has revealed that Gypsy and Traveller business people have often lacked the support and advice they need to the detriment of their economic activities.<sup>166</sup> The former business and support service Business Link (a government-funded business advice and guidance service in England) provided an online portal managed by Her Majesty's Revenue and Customs and a national helpline as well as a network of local/regional advisors (under the auspices of the Department for Business Innovation and Skills). Business Link advisors had started to provide some targeted outreach and support to help Gypsies, Travellers and Roma in their business enterprises. However, Business Link was abolished in 2011. Its demise has been a serious setback to attempts to improve support and interaction between business support services and the communities in question and to strengthen traditional economic activities, enabling GTR communities to conform to new legislation like the Scrap Metal Dealers Act and or diversify in economic activities.

The Ethnic Minority Advisory Group (EMAG) within the Department for Business Skills and Innovation invited a representative from the Traveller Movement (then Irish Traveller Movement) to sit on this group in 2012 and they have been pushing for the government to promote schemes to encourage Gypsies, Travellers and Roma to access vocational training and or higher education opportunities. However, the Traveller Movement informed the evaluation it has sometimes been an uphill struggle to persuade officials to accept the merits of targeted and tailored interventions as the official departmental and government approach is 'mainstreaming'.<sup>167</sup> Experience though suggests that tailored and culturally inclusive approaches, which can be in a mainstream context, are the most effective in terms of participation and results.

## Welfare

Analysis from the Office for National Statistics in 2014 revealed that 20% of the Gypsy and Irish Traveller category were unemployed (compared to 7% for the whole of England and Wales).<sup>168</sup> These figures can be attributed to poor health, low levels of education and a lack of authorised Traveller sites.<sup>169</sup> The welfare system is undergoing major reform, and given the numbers of Gypsies, Travellers and Roma who are not economically active these reforms will clearly be of great significance. The Secretary of State at the Department for Work and Pensions, Ian Duncan Smith, has described the plan to replace a range of welfare

164 Interview conducted by Tom McCready – March 2014.

165 Interview conducted by Article 12 in Scotland.

166 Ryder, A. and Greenfields, M. (2010) 'Roads to Success: Routes to Economic and Social Inclusion for Gypsies and Travellers' (A report by the Irish Traveller Movement in Britain funded by Big Lottery Research).

167 Interview conducted by Assen Slavchev – January 2014.

168 ONS (2014) Census Analysis, What does the 2011 Census tell us about the characteristics of Gypsy or Irish Travellers in England and Wales?

169 Ryder, A. and Greenfields, M. (2010) 'Roads to Success: Routes to Economic and Social Inclusion for Gypsies and Travellers' (A report by the Irish Traveller Movement in Britain funded by Big Lottery Research).

benefits with a single 'Universal Credit' as "the biggest reform of the welfare system in a generation."<sup>170</sup> The first wave of large welfare reform changes came into operation in 2013. Universal Credit (UC) will replace many existing benefits, it is a single means-tested benefit which will be paid to people of working age. A benefit cap, which sets a limit on the total amount of benefits a person can get, means some may lose some of their Housing Benefit. It is not possible to appeal against a decision to cap benefits and some will need to find the money to make up their rent from other income or consider moving to a cheaper home or area. Those living in social housing, such as council or housing association accommodation, who are of working age, may have Housing Benefit cut if they have more bedrooms than are allowed under the new rules. However the Scottish Government has introduced arrangements to compensate people who lose Housing Benefit in this way.<sup>171</sup> Disability Living Allowance (DLA) is being replaced by Personal Independence Payment (PIP). Most people currently getting DLA will eventually have to reapply for PIP. Even if people were getting DLA, they may find that they do not qualify for the new payment or that the money they get will be less than it was on DLA.<sup>172</sup>

Poverty and welfare campaigners as well as religious leaders such as the Archbishops of Westminster and Canterbury and 43 other Bishops, have expressed concerns about welfare reforms, citing fears that the legislation will remove the protection given to families against the rising cost of living and could push 200,000 children into poverty.<sup>173</sup> Gypsy, Traveller and Roma groups have joined in these expressions of concern about the welfare reforms and the impact on the communities they support.

The Citizens' Advice Bureau, in a major study on the potential impact of Universal Credit, collected data from almost 1,800 people in Birmingham, North Dorset and Wales who would have to access Universal Credit. UC requires claimants to access benefits online; to pay rent themselves, rather than Housing Benefit going directly to landlords; and to have a bank account which can handle direct debits. The charity asked respondents whether they felt they would be able to cope with five possible problem areas: budgeting, monthly payments, banking, staying informed and internet access. Ninety-two per cent said they felt unprepared for the new system in at least one area. Given the lack of literacy and economic literacy of many Gypsies, Travellers and Roma, Universal Credit will clearly present major challenges.<sup>174</sup>

York Citizen's Advice Bureau and York Travellers' Trust, both of which have a longstanding history of work with Gypsy and Traveller communities, have also produced a report on the impact of welfare reforms. The report notes that Gypsies and Travellers face difficulties with form filling and understanding the implications of these new and complex reforms and are getting confused and worried. In view of these problems Gypsies and Travellers will require extra support when claiming benefits and there are concerns that they will not receive the necessary support to navigate welfare reforms.<sup>175</sup> The Traveller Movement, Derbyshire Gypsy Liaison Group and Leeds Gypsy and Traveller Exchange have also expressed serious concerns about the disproportionate impact of the benefit cap on Gypsy, Traveller and Roma families and children. Research by the Traveller Movement and Leeds GATE has noted the large size of some Gypsy and Traveller families and the fact that many have been forced into poor quality, private rented accommodation as a consequence of the shortage of sites.<sup>176</sup> Recent research by the Chartered Institute of Housing in partnership with Haringey Council has identified Travellers as being a group within the borough that are vulnerable as a result of the benefit cap and fears were expressed that some may return to unauthorised camping or face problems in making up an income shortfall as a consequence of the prejudice they experience from employers.<sup>177</sup>

170 The Economist (Dec 14th 2013) Don't ask for credit, <http://www.economist.com/news/britain/21591619-delays-may-kill-governments-plans-reshape-welfare-dont-ask-credit>.

171 Inside Housing (2014) Bedroom tax abolition is on the agenda, <http://www.insidehousing.co.uk/bedroom-tax-abolition-is-on-the-agenda/7002476.article>.

172 Citizens' Advice Bureau [http://www.adviceguide.org.uk/england/benefits\\_e/benefits\\_welfare\\_benefits\\_reform\\_e/benefits\\_changes\\_to\\_welfare\\_benefits\\_e/welfare\\_benefits\\_reform\\_what\\_do\\_the\\_changes\\_mean.htm](http://www.adviceguide.org.uk/england/benefits_e/benefits_welfare_benefits_reform_e/benefits_changes_to_welfare_benefits_e/welfare_benefits_reform_what_do_the_changes_mean.htm).

173 Telegraph (9th March 2013) Archbishop of Canterbury attacks Government welfare reforms.

174 Randeep Ramesh, 'Universal credit fears revealed through Citizens Advice survey' Guardian, 8 July 2013, <http://www.theguardian.com/politics/2013/jul/08/universal-credit-fears-citizen-advice-survey>.

175 York Traveller and Gypsy Project (August 2013) – Benefits and the Traveller Community – Rebecca Jeffrey York & District CAB.

176 TM and Leeds GATE (2013) Impact of universal credit and welfare reforms on the Gypsy and Traveller communities.

177 Chartered Institute of Housing and Haringey Council (2013) Experiences and Effects of the Benefit Cap in Haringey.

The current Disability Living Allowance (DLA) is a non-means tested, non-contributory disability benefit that aims to help cover the extra costs that claimants may have because of a disability. The Traveller Movement and Leeds GATE have expressed concerns that the changes to DLA and replacement with PIP, which will reduce the numbers of claimants, could have a disproportionate impact on the large number of Gypsies and Travellers who suffer from debilitating conditions and general poor health.

### *UK Roma – Employment and Welfare*

According to civil society, practitioner and Roma community respondents a lack of consistent employment opportunities provided by agencies means Roma are vulnerable to exploitation and may not be given consistent employment even though they desperately want it to support their families. There are numerous stories of employment agencies, especially when staffed by East Europeans, giving out work to non-Roma first. Across large swathes of the community Roma feel strongly that they are being discriminated against when seeking work because of their ethnicity. Work when it is available is mainly low skilled manual opportunities in factories, and often involves 12-hour shifts and the minimum wage. In Derby the local authority lead officer on integration stated the following with reference to employment:

*“Dire, would be the one word I would use. We have a community of individuals trying to seek employment in a climate where they are not really on the bottom rung of the ladder in terms of competition from other communities. Low-skilled manual labour with no progression or opportunities and language as a barrier to employment and pre-employment skills are lacking. With little knowledge of how to access employment opportunities, how to deal with CVs or to impress potential employers leaves many in the Roma community without tools to comprehend and understand.”<sup>178</sup>*

Welfare reforms will also impact on Roma families in receipt of welfare. As they are mainly concentrated in urban areas (often expensive in terms of private rented accommodation) and or have larger than average families, the welfare reforms could lead to serious problems for these communities. Many Roma, in particular those from Bulgaria and Romania, who until January 2014 were subject to work restrictions, have been consigned to very low waged employment or the informal economy. In some cases Roma have been working for below the minimum wage and or in work conditions which do not conform to proper health and safety standards and are even being exploited by unscrupulous gangmasters.<sup>179</sup> It is to be hoped that the lifting of work restrictions on A2 nationals will ease these problems. However, in response to the lifting of employment restrictions the government has rushed through legislation to toughen the rules around migrants claiming benefits.<sup>180</sup>

Under new tighter rules that came into force on 1 January, all EU migrants will have to wait three months before they can claim jobseeker's allowance and other out-of-work benefits. The government says they will then face a more robust residence test before any claim is approved. This will include questions about their efforts to find work and English language skills. The Multi-Faith Centre at the University of Derby and Roma Community Care expressed concern that these new welfare regulations could force more Roma into dangerous and exploitative work practices within the informal economy and or under the control of gangmasters and other unscrupulous employers. The 'right to reside' and 'habitual residency' tests were referred by the European Commission to the European Court of Justice in 2013. The UK government announced "We will not only fight this action but press ahead with plans to strengthen Britain's benefits system to ensure it cannot be abused".<sup>181</sup> Costello and Hancox have noted the basic EU commitment to free movement

178 Data collected by Multi-Faith Centre – University of Derby and Roma Community Care.

179 Roma Source (2012) *Interim Research Report* [www.romasource.eu/userfiles/attachments/pages/167/romasourceinterimresearchreport-en.pdf](http://www.romasource.eu/userfiles/attachments/pages/167/romasourceinterimresearchreport-en.pdf).

180 Bulgarians and Romanians gained the right to visa-free travel to the UK in 2007, when their countries joined the EU. But there were temporary restrictions on the kind of jobs they could take. Employers had to apply for work permits and migrants for an "accession worker card". Low-skilled workers were restricted to existing quota schemes in the agricultural and food processing sectors. These restrictions were dropped on 1 January, having been extended to the maximum period of seven years.

181 Department for Work and Pensions (30th May 2013) Government response: The European Commission's announcement on access to benefits, <https://www.gov.uk/government/news/the-european-commissions-announcement-on-access-to-benefits>.



is integral to EU membership, despite this current UK proposals and practices are difficult to square with these commitments, a tension which is likely to lead to costly litigation before British and EU Courts.<sup>182</sup>

The new rules may inflame further what could be a strained relationship between Romani clients and welfare workers. According to a report by Govanhill Law Centre administrative delays, inefficiencies, barriers and inequality were endemic within the UK public authorities (HMRC, DWP, local government) responsible for administering welfare benefits for Roma European Union citizens in Glasgow. The report claims this involved prejudicial and discriminatory treatment.<sup>183</sup> The Northern Ireland Roma focus group reflected the concerns of other Roma respondents by noting “There’s a general consensus amongst participants that Job Centre/employment agencies request evidence that they find difficult to provide. In addition people feel that requirements keep changing to make it difficult for people to access employment: i.e. the documents that were acceptable for one person two months ago, are not enough for a person going to interview now.”

The Interaction of Policy on GTR Communities and Key Aspects of the Equality Measurement Framework	Research Findings which indicate cause for concern when matched against the EMF criteria
<p><b>Productive and Valued Activities</b></p> <ul style="list-style-type: none"> <li>– Employment rate</li> <li>– Earnings</li> <li>– Occupation</li> <li>– Discrimination in employment</li> <li>– Unpaid care and free time</li> </ul>	<p>Analysis from the Office for National Statistics in 2014 revealed that 20% of The Gypsy and Irish Traveller category were unemployed (compared to 7% for the whole of England and Wales).</p> <p>The Scrap Metal Dealers Act has been the cause of serious concern for Gypsy and Traveller communities and will have a detrimental impact on the traditional ‘Traveller Economy’.</p> <p>Many Roma have been consigned to low waged employment or work the informal economy.</p>
<p><b>Standard of Living</b></p> <ul style="list-style-type: none"> <li>– Poverty and security of income</li> <li>– Being treated with respect by private companies and public agencies in relation to your standard of living</li> </ul>	<p>The Universal Credit is impacting negatively on GTR communities because of its complexity. The benefit cap may have a disproportionate impact on GTR families and children, given the large size of some families.</p> <p>Tough new rules around migrants claiming benefits could push Roma further into the informal economy and make them victims of gangmasters.</p>
<p><b>Individual, Family and Social Life</b></p>	<p>Strong social networks within GTR communities are an important feature of family life but economic exclusion and a lack of appropriate accommodation are placing considerable pressure on families and support mechanisms, in particular where families are isolated in accommodation separated from their wider family.</p>

## GOOD PRACTICE

*The London Gypsy and Traveller Unit (LGTU) has a well established Accommodation and Advocacy Advice Service which provides advice to Gypsy and Traveller families living in houses, on official sites and unauthorised encampments. As has been the case with a number of Gypsy and Traveller organisations, the LGTU has had to respond to a high volume of queries and concerns about the Scrap Metal Dealers Act 2013 (see above). The LGTU has produced a leaflet which shows the steps to take when applying for a licence and through its advice service is offering direct support. In addition to this the LGTU recently released a short animated film describing the steps to take to becoming self-employed.<sup>184</sup>*

continued on p. 66

182 Costello, C and Hancox, E (2014) Policy Primer: The UK, EU Citizenship and Free Movement of Persons – The Migration Observatory – University of Oxford [http://www.migrationobservatory.ox.ac.uk/sites/files/migobs/UK\\_EU\\_Citizenship%20\\_Free\\_Movement.pdf](http://www.migrationobservatory.ox.ac.uk/sites/files/migobs/UK_EU_Citizenship%20_Free_Movement.pdf).

183 Govanhill Law Centre (2012) ‘Unequal and unlawful treatment’, <http://govanlc.blogspot.co.uk/2012/06/ghlcs-unequal-and-unlawful-treatment.html>.

184 See <http://www.lgtu.org.uk>.



**Mediators** – Gypsy, Roma and Traveller Civil Society plays an important role in opportunities for volunteering and skills development leading in some cases to employment within community groups or with statutory services. Such roles develop new perceptions within the communities as to what employment is available, which in some cases is a radical departure from traditional gender and work roles. The Advisory Council for the Education of Romany and other Travellers (ACERT) runs the ROMED Mediators Programme which is funded by the Council of Europe and offers training to develop advocacy and mediation skills. Brian Foster informed the evaluation that “What we are all seeing is a real demand from community members to be involved in the training so that is very positive. The dilemma is that we can’t necessarily create jobs.

**People of the Road Project** – is based in a small community centre on the edge of Southall, they do a lot of work with women of various ages, running classes in a local youth centre. The skills taught (beauty therapy, cooking and literacy development) are targeted to equip the Travellers to run their own small businesses and potentially earn an income from the skills they learn in the centre. The project has been doing outreach and work with Connections.<sup>185</sup>

The case studies demonstrate the potential that GTR civil society has in supporting existing economic practices and or helping community members to diversify and innovate.

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185 Interview conducted by Janie Codona – February 2014.

## 5. HEALTH

In the UK, the national health services (NHS) has a statutory responsibility to provide health services to all members of society, including Gypsy, Travellers and Roma populations.

**The Health Status of Gypsy, Traveller and Roma Communities in the UK:** The United Nations Committee on the Elimination of Racial Discrimination has expressed their concerns to the UK government about the discrimination faced by Roma, Gypsies and Travellers including higher child mortality rate, shorter life expectancy and limited access to health services.<sup>186</sup> Poor living conditions and environmental factors are the most influential contributing factors to the poor health status of Gypsies and Travellers and they experience the poorest quality of health relative to other minority ethnic groups in the UK.<sup>187</sup> They are also significantly more likely to have a long-term illness or disability than members of the general population and Gypsy and Travellers living in bricks and mortar accommodation have considerably worse health outcomes than those of nomads.<sup>188</sup> The life expectancy of the Gypsy and Traveller population has been estimated to be between 10 and 12 years less than the general population (Parry et al 2004), although a later study has suggested, that their average life expectancy is 50 years, compared to the general population, which is 78 years of age.<sup>189</sup> Across Europe there is very limited data on the health needs/ access to services for the Roma populations and there is very little research on the health needs/ access to services for the Roma communities in the UK, although small local studies and anecdotal information from health practitioners have highlighted a number of factors within the UK that contribute to the poor health of Roma populations, including: insecure employment; poor working conditions, often with minimal rights; inadequate access to education and care; long-term health conditions; unhealthy lifestyles and community tensions.<sup>190</sup>

**Health Data:** There is an overall lack of national data on the health status and needs of Gypsy, Travellers and Roma people in the UK and the Department of Health does not include them as one of the 16 ethnic minority categories monitored by the NHS. The ethnic category codes currently used in the NHS Data Dictionary and the Commissioning Data Set Flows are those that were used in the classification used for the 2001 England and Wales Census (that excludes Gypsies and Travellers) and there has been no Data Set Change Notice mandating the adoption of the 2011 Census ethnic group classification (which includes 'Gypsy or Irish Traveller'). The impact of this can be seen in the most recent report of the confidential enquiries into maternal deaths in the UK by CMACE<sup>191</sup> and the NHS London's review of maternal deaths in London where there is no mention of 'Gypsy', 'Roma', or 'Irish Traveller': these groups are subsumed into the reporting category 'White'<sup>192</sup>

186 UN CERD 2011) Concluding Observations, Seventy Ninth Session, United Kingdom of Great Britain and Northern Ireland.

187 Gill, P. MacLeod, U. Lester, H and Hegenbarth, A (2013) Improving access to health care for Gypsies and Travellers, homeless people and sex workers – Inclusion Health.

188 Parry et al (2004) The Health Status of Gypsies and Travellers: Report of Department of Health Inequalities in Health Research Initiative, University of Sheffield, Executive Summary, para 3 [http://www.shef.ac.uk/polopoly\\_fs/1.43714!/file/GT-final-report-for-web.pdf](http://www.shef.ac.uk/polopoly_fs/1.43714!/file/GT-final-report-for-web.pdf).

189 Baker, M., Leeds Racial Equality Council, 2005, Leeds Baseline Census 2004–2005, p. 10 <http://www.grtleeds.co.uk/information/census.html>.

190 See Rose, Nigel, et al (2011). Including migrant populations in joint strategic needs assessment: a guide, available at <http://www.idea.gov.uk/idk/aio/26070159>. And Moore, L (2010). A healthcare needs assessment of the Slovak Roma community in Tinsley, Sheffield.

191 Centre for Maternal and Child Enquiries (CMACE). Saving Mothers' Lives: reviewing maternal deaths to make motherhood safer: 2006–08. The Eighth Report on Confidential Enquiries into Maternal Deaths in the United Kingdom. British Journal of Obstetrics and Gynecology (BCOG) 2011; 118 (Suppl.1): 1–203.

192 NHS London. A review of maternal deaths in London, January 2009–June 2010. London: NHS.

(Inclusion Health 2014:51).<sup>193</sup> The adoption of the 2011 Census ethnic category classification in the NHS Data Dictionary would generate the classification of Gypsy or Irish Travellers across all current NHS ethnicity data collections. This would have a transformative effect on the capture of Gypsies/Irish Travellers in routine data collection, including in those areas where there is strong evidence that Gypsies/Travellers are strongly disadvantaged. The information service division in Scotland has adopted the 2011 classification in the Scotland Data Dictionary (Inclusion health 2014:11). A recent Research Working Group of the Inclusion Health Board has also produced a report entitled *Hidden Needs* (2014) and this demonstrates the “yawning gaps” in data, information, analysis and research in four of the most vulnerable populations in society which includes Gypsies, and Travellers. There also appears to be an institutional absence of health data on the different Roma populations in the UK and more needs to be done to understand and address Roma health problems.

## Patients’ Rights

An NHS Constitution which sets out patients’ rights and staff duties was first published in 2009. The 2013 NHS Constitution states that “You have the right not to be unlawfully discriminated against in the provision of NHS services including on grounds of ...race...”. The Race Equality Foundation (REF) believes the NHS Constitution is an important development with relevance and benefit to improving the health experiences and outcomes for black and minority ethnic communities. However, research commissioned by REF highlighted a lack of knowledge about the constitution by ethnic minorities.<sup>194</sup>

Healthwatch England is the new consumer champion for both health and social care, and will have a role in gathering people’s views on their local health and care services. However, concerns have been raised as to how effective it will be given low funding levels and it being tied financially to those it has the remit to monitor.<sup>195</sup>

GTR community members have been able to secure redress within the NHS. For example, in one recorded case a GP surgery turned away somebody because they had a common Irish Traveller surname. The Traveller, with the support of Friends, Families and Travellers, successfully challenged this incident and the case was taken to the health commissioners, to the clinical commissioning groups and to the anti-fraud department of the NHS who had given out guidelines to GPs which were partly working against people without postcodes being able to register. It should be noted that the appeal was successfully upheld because of the support given in the process by a local Traveller support group but in many areas such local support is not at hand.

**Accessing healthcare:** Research by Inclusion Health (2014), suggests that Gypsy, Traveller and Roma communities are amongst the most ‘vulnerable’ and socially excluded. Two key dimensions of exclusion have been identified: (i) the difficulty these groups experience in accessing health services generally and primary care in particular and the need to address prejudice, cultural and practical barriers faced by vulnerable people when accessing health services; (ii) that these groups suffer multiple and enduring disadvantage, their health outcomes being amongst the worst of any groups: they are thus deprived of the opportunities available to the wider society and face discrimination and significant health inequities (Inclusion Health 2014:16). Concerns are being expressed in Gypsy, Traveller and Roma community groups about the new NHS commissioning processes and health access. Local Clinical Commissioning Groups will be putting local health services out to tender and concerns have been expressed by Gypsy, Traveller and Roma community groups that that private companies competing to win NHS contracts may not include services to their communities. However, currently there is a still a legal duty to reduce health inequalities and to show continued commitment to the Equality Act (2010).

193 Inclusion Health( 2014) Hidden Needs Identifying Key Vulnerable Groups in Data Collections: Vulnerable Migrants, Gypsies and Travellers, Homeless People, and Sex Workers.

194 Farah Islam-Barrett (2011) *NHS Constitution: perception, use and value in black minority ethnic communities*, Race Equality Foundation, available at: [http://www.raceequalityfoundation.org.uk/sites/default/files/publications/downloads/REF%20%20NHS%20Constitution%20Report%202011%20\(2\)%20\(2\).pdf](http://www.raceequalityfoundation.org.uk/sites/default/files/publications/downloads/REF%20%20NHS%20Constitution%20Report%202011%20(2)%20(2).pdf). (accessed: 13 May 2014).

195 Daniel Lombard, “Healthwatch: “underfunded and too weak” Social CareWorker: 19 August 2012, available at: <http://www.socialcare-worker.co/2012/08/19/1060/>. (accessed:13 May 2014).

In terms of good practice, the Scottish Government in 2013 made a number of commitments to reduce health inequalities and they have funded NHS Education Scotland (NES) and Scottish Social Services Council (SSSC) to take forward work on workforce development in health and social care in relation to carers and young carers, taking into account the needs of hard-to-reach groups, including Gypsies and Travellers (and this will include information on cultural competence guidance for local authorities). The Scottish Government also supports the proposal that other voluntary sector organisations draw on the work of the Minority Ethnic Carers of Older People Project (MECOPP) with the aim of developing a network of expertise able to support both Gypsy/Travellers and health and social care workers across Scotland. It should be noted that Roma communities have not featured prominently in these discussions.

Inclusive health work is evident in Northern Ireland. Travellers were included in the Belfast Health and Social Care Trust (BHSCT) Strategy. The strategy is overseen by a strategic group consisting of members of the Trusts Senior Management Team, representatives of the relevant directorates and Traveller support groups. The Trust currently employs a health visitor and a social worker and two liaison workers to work specifically with the Traveller community.<sup>196</sup> At a presentation to the Irish British Parliament Subcommittee the BHSCT stated “Developing cultural competency as an organisation and building real and meaningful relationships with communities are critical aspects of ensuring that our services are open and responsive to the needs of the Roma and Traveller communities.”<sup>197</sup> As well as working with Travellers BHSCT has worked with Roma migrants. Prior to Jan 2014 the level of GP registration within the Roma community was around 5%. As opposed to England, Scotland and Wales A2 nationals were unable to register for General Practitioners in Northern Ireland. The BHSCT has stated “Recognising that being unable to access a GP would particularly affect mothers and children the Trust established and financed a family health clinic one afternoon per week with a health visitor and at times a consultant paediatrician.”<sup>198</sup> The work by BHSCT has been cited by the Equality Commission as an example of best practice and has been recognised widely as innovative and pioneering.

The Welsh Government informed the evaluation that objective 16 of *Travelling to a Better Future* aims to establish baseline health data for Gypsies and Travellers and provides guidance for health boards to make services more accessible, with the input of community members during 2014. A weakness in this work will be the limited number of community organisations in Wales who might be able to facilitate outreach and partnership as evidenced in other parts of the UK.

<b>The Interaction of Policy on GTR Communities and Key Aspects of the Equality Measurement Framework</b>	<b>Research Findings which indicate cause for concern when matched against the EMF criteria</b>
<p><b>Life</b></p> <ul style="list-style-type: none"> <li>– Life expectancy</li> <li>– Other specific-cause mortality rates</li> </ul>	<p>GTR continue to suffer from chronic health problems and have a life expectancy significantly below the general population.</p> <p>A lack of targeted health measures compounded by poor accommodation, employment and educational inclusion contribute to chronic health problems and serious child mortality issues, which contribute to earlier deaths than the general population.</p>
<p><b>Health</b></p> <ul style="list-style-type: none"> <li>– Limiting illness, disability and mental health</li> <li>– Dignity and respect in health treatment</li> <li>– Healthy living</li> </ul>	<p>In the 2011 census Gypsy or Irish Travellers had the lowest proportion of any ethnic group rating their general health as ‘good’ or ‘very good’</p> <p>Access to and fair treatment within the health service remains a significant problem.</p> <p>There are major concerns regarding the radical new measures for the reorganisation of the NHS and that forms of tendering will impact negatively on marginalised groups like Gypsies, Travellers and Roma and may create mistrust towards health staff as it is feared some health providers may place a low priority on meeting GTR health needs.</p> <p>Despite the new legal duty on the Secretary of State to reduce health inequalities, Inclusion Health may not be effectively able to achieve this aim given its decreased budget and staffing.</p>

196 A health visitor is a qualified nurse or midwife with post-registration experience who has undertaken further training and education in child health, health promotion, public health and education. A liaison worker is comparable to a mediator in CEE. See <http://www.belfasttrust.hscni.net/pdf/TravellerHealthStrategySept2011.pdf>.

197 Briefing for meeting with the British/Irish Parliamentary Sub-Committee 3 March 2014.

198 *Ibid.*

## GOOD PRACTICE

**Building Trust** – Regarding inclusive health projects, health expert Van Cleemput has noted “The most successful [Pacesetters] projects were in NHS Trusts where either there was already prior engagement with the local Gypsy and Traveller communities, usually with a key link person who was known and trusted for their cultural competence and participatory ways of working, or where Trusts worked closely with a Gypsy and Traveller support organisation to ensure relevant community involvement. Commissioners of services need to be aware of the lessons learned from this Programme; crucially that community members should be fully consulted and involved at the outset and that genuine involvement requires resourced time and sustained effort.”<sup>199</sup> These observations are strongly evident in the following examples.

**Friends, Families and Travellers** – Friends, Families and Travellers (FFT) in Sussex has a longstanding health project which employs up to six outreach workers with different remits including mental health and adult social care and has used its frontline work to inform advocacy.

**Traveller Movement** – In the ‘Maternity Project’ the Traveller Movement, in partnership with the Royal Free Hospital’s maternity team, educated both staff and Irish Traveller service users on what to expect as they commence the ‘maternity journey’ and pass through the health service system. Irish Traveller women and staff were involved in cultural awareness training and produced a Maternity Care and Irish Travellers information pack. The project won an award from the All-Party Parliamentary Group on Maternity for ‘Best example of involvement of service users in the development and delivery of maternity services.’<sup>200</sup>

**Derbyshire Gypsy Liaison Group** Health for life Project, funded by the Volunteering Fund Health and Social Care, works on a number of levels, for example a drop in for community members with a focus on dementia, carers and disability. A team of volunteers attend strategic Derbyshire wide meetings.

**Leeds Gypsy and Traveller Exchange** provides a telephone, drop in and outreach advocacy service and offers a wide range of projects to help Leeds Gypsies and Travellers overcome the problems they are faced with. A key role is to help these communities access the health care they need and this involves promoting strategic and multi-agency work which centres on the Leeds Gypsy and Traveller Partnership Forum. This is a city-wide, multi-disciplinary group working together to improve the life chances of Gypsy and Irish Traveller communities in Leeds through sharing information and opportunities. This group informs the work of the Gypsy and Traveller Strategic Group, which is part of the Healthy Leeds Partnership. The forum acts as an advisory, reference and co-ordination point for all information relating to work with these communities.<sup>201</sup>

**Minority Ethnic Carers of Older People Project (MECOPP)** in Scotland works with carers of any age within the Gypsy/Traveller community who have a caring responsibility for a family member or friend, including carers who live in housing, on sites and on roadside camps. MECOPP is using community development approaches in working with Gypsy/Travellers and is multi-dimensional – including outreach work, community-led research, film-making, limited casework and training. MECOPP receives funding from the Scottish Government.

**Belfast Health and Social Care Trust (BHSCT)** in Northern Ireland believes that developing cultural competency as an organisation and building real and meaningful relationships with communities are critical aspects of ensuring that their services are open and responsive to the needs of the Roma and Traveller communities. The organisation has a specific strategy for improving Traveller health and well-being and an associated action plan. The Trust has also employed two Traveller health liaison workers (whose role is improving access to services, identifying emerging need and acting as a Traveller voice

199 Gypsy and Traveller Health in – Richardson, J and Ryder, A (2012) ‘Gypsies and Travellers: Accommodation, Empowerment and Inclusion in British Society’ Bristol: Policy Press Book.

200 *Ibid.*

201 See: <http://www.leedsgate.co.uk>.

*in the Trust), a specific health visitor for the Traveller community (which has resulted in immunisation rates increasing to over 95% in the BHSCT area) and a social worker. This work was recently featured by the Equality Commission as an example of best practice.<sup>202</sup>*

*The case studies reveal the value of including GTR in the design and delivery of health measures to create inclusive services and ensuring staff are informed.*





## 6. ACCOMMODATION

### Gypsy and Traveller Accommodation

In 2012 the Conclusions of the Council of Europe Committee of Social Rights found that the situation in the United Kingdom was not in line with Article 16 of the Charter (Right of the family to social, legal and economic protection) on the ground that the right of Gypsy and Traveller families to housing was not effectively guaranteed and pointed to a pressing need to make progress in this area. In a Press Statement by the United Nations Special Rapporteur on adequate housing concerns were also expressed about the viability of localist policies to deliver sites for Gypsies and Travellers.<sup>203</sup>

Approximately a fifth of the Gypsy and Traveller caravan dwelling community lack an authorised pitch. Likewise for Roma substandard and overcrowded housing are amongst the root causes of exclusion.<sup>204</sup> Joanna Price, an English Gypsy, provides insights into what it means to have a site and the fear and consequences of losing it if a family fails in the planning process: "If I didn't get planning permission? Well we'd just have to move up and down again on the road, we'd be back on the road and like there's not just me and my husband, we have three sons, two daughters-in-law and five grandchildren, two grandchildren are settled in nursery, one little girl is in school, we've got doctors now what we've never had for years and years... So things have been working out a lot better for us but if we lose our site we'll be back on the road and then we'll have no doctors, we'll have no permanent address. I'm happy here but not knowing in the future if I'm going to be put off or not it's very stressful all the time. It's in your mind constantly, there's not one day what goes by what you don't think about the planning, what's going to happen in the future."<sup>205</sup>

The centrality of accommodation to inclusion is expressed by the following comment by an English Gypsy: "If you have somewhere to live all the rest seems to fall into place to be honest, your health gets better. The planning system causes a lot of stress to families including me. I think if the government finds homes for people then the rest falls into place."<sup>206</sup> Many families on private sites had experienced years of local opposition in the planning process but generally community tensions eased with time "...it took over 10 years to get the site passed with a lot of opposition from the council, the community members of the village, about almost everyone was against us but very, very slowly we've kind of won the vote of the people in the village... I suppose you could say that we are integrated, I suppose the outcome is good for me. I'm hoping it's good for both sides in respects of the village too."<sup>207</sup> However it is also important to remember that many families are mobile and there should be adequate transit provision.

#### Localism

A Gypsy respondent gives his views on localism: "the Localism Bill is a licence to practise nimbyism; localism allows people to say we're not having Gypsies in our back yard that's had a detrimental effect"<sup>208</sup> Localist policies on site provision were in place between 1994 and 2006 in England and Wales at a time when

203 Press Statement by the United Nations Special Rapporteur on adequate housing: End mission to the United Kingdom of Great Britain and Northern Ireland, 29 August to 11 September 2013. London, 11 September 2013 <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13706&LangID=E>.

204 Richardson, J and Ryder, A (eds) (2012) *Gypsies and Travellers: Empowerment and Inclusion in British Society*, Bristol: Policy Press.

205 Interview conducted by Tom McCready February 2014.

206 Anon interview conducted by Muzelly McCready – February 2014.

207 Anon interview conducted by Muzelly McCready – February 2014.

208 Anon interview conducted by Muzelly McCready – February 2014.

planning guidance encouraging private site provision was contained in Department of the Environment Circular 1/94 (following the repeal of the statutory duty imposed on local authorities by the Caravan Sites Act 1968 to make public provision). In the period when the statutory duty had been in force, between 1970 and 1994, more than 320 local authority sites were constructed. By contrast, following the repeal of the statutory duty, the localist Circular 1/94 gave too much power to local authorities who proved reluctant to designate land to meet the accommodation needs of Gypsies and Travellers and to grant them planning permission so as to facilitate private site provision.

By 2006 it had become clear that Circular 1/94 was not working and it was replaced by Office of the Deputy Prime Minister Circular 1/06 which laid down a procedure whereby the need for site provision would be determined by regional planning bodies within Regional Spatial Strategies, rather than left to local authorities to determine. Richardson and Smith-Bendell have noted that as a result of Circular 01/06 and RSS the percentage of cases that were allowed and which resulted in planning permission in each period started from a position of 40% before Circular 01/06 rising to a peak of 70%. Richardson and Smith-Bendell also note that for Gypsy and Traveller sites, a regional approach is perhaps more appropriate given the high level of objections to local sites, thus taking a step back to a regional level could reduce the negative impacts of what can be irrational and discriminatory objections.<sup>209</sup>

However, in accordance with its localist approach and following a decision to revoke Regional Spatial Strategies, the current Government replaced Circular 1/06 with 'Planning policy for traveller sites' in 2012. The new policy states that every local authority should have in place a five-year deliverable supply of sites by March 2013. However, virtually no local authorities have such a policy in place within their Local Plan. The problem is exacerbated by the fact that there is no power of direction that can be used by the Secretary of State to enforce the requirement. A growing body of opinion considers that the current localist approach will merely lead to history repeating itself, with local government proving to be slow and obstinate in site provision and inclined to pander to local opposition without a statutory duty or power to direct compliance.

The fears outlined above are clearly evidenced in the case of London. Debby Kennett of the London Gypsy Traveller Unit (LGTU) noted that as a result of the 2008 Accommodation Needs Assessment in London about 800 new pitches across London were identified as being needed, which Debby felt was a low figure but noted that when Boris Johnson was elected Mayor in 2009 there was a series of what was called 'minor alterations' to the London Plan. The LGTU helped organise a campaign to lobby for higher pitch targets but "...the Mayor cut those pitch targets in half through a minor alteration so then we mobilised the community again to write back to the Mayor and complain as to why pitch targets were cut in half. But by the end of the consultation the Mayor took the pitch targets out of the plan completely....What Boris said was that he needed to bring the London Plan in line with the Localism Act. To bring it in line with localism the whole approach was that the councils know best and the councils can do their own assessment and the councils should decide how many pitches need to be delivered and therefore he didn't believe that there should be targets from above from the London Plan for the Traveller pitches". In contrast targets for housing were kept for local authorities.<sup>210</sup> John Biggs, a London Assembly Member with three Traveller sites in his constituency, described Johnson's buckling to pressure from London boroughs hostile to site provision and the unmet need as "scandalous".<sup>211</sup>

Support for a statutory duty and/or a strong and enforceable framework for site delivery was strongly evident amongst respondents. A Housing Strategy Manager for one Council, commented: "I think the loss of the Regional Spatial Strategies and the regional planning structure is a problem...there should be a national plan really, there should be a high level mechanism which tells councils what provision they have got to provide. At the end of the day that's what the old regional planning system sought to do and I think that is probably necessary".<sup>212</sup>

209 Joanna Richardson and Maggie Smith-Bendell (2012) *Accommodation needs and planning issues in Richardson, J and Ryder, A (eds) Gypsies and Travellers: Empowerment and Inclusion in British Society*, Bristol: Policy Press.

210 Interview conducted by Helena Kiely March 2014.

211 Interview conducted by Helena Kiely March 2014.

212 Interview conducted by Joanna Price – March 2014.

Gypsy and Traveller communities are also experiencing problems with having their voices heard in the new planning system. Chris Johnson of the Community Law Partnership in Birmingham outlines these difficulties: “The problem with local plans in general is that whereas before there were nine regions when we had Regional Spatial Strategies and therefore the Gypsy and Travellers support groups could more easily organise themselves to make sure submissions were put in, now there are over 350 local authorities who are doing Local Plans, who are doing Gypsy and Traveller accommodation needs assessments, and it’s impossible for the very under funded Gypsy and Traveller support groups to properly deal with that... so there is a problem of making sure the local plans are robust.”<sup>213</sup> It should be noted that the National Federation of Gypsy Liaison Groups obtained funding to continue the work on borough and district plans in the East and West Midlands (previously undertaken by Derbyshire Gypsy Liaison Group). However, that is the only significant financial assistance that exists, leaving seven regions with no funded work on development plans.

According to Chris Whitwell of Friends, Families and Travellers another policy flaw in localism is the unwillingness of central government to properly monitor the extent to which new sites are being developed: “What I would like to see is a proper count being made that shows year on year what the net increase is of the number of actual sites that are available... What I would like to know is how many of the 5000 to 6000 pitches that we need were provided over the last twelve months.”<sup>214</sup>

### *Calling in Cases in the Green Belt: Going against the Logic of Localism*

Gypsy and Traveller organisations and experts also informed the evaluation that they considered it was discriminatory that all Gypsy and Traveller planning appeals in the Green Belt are being recovered by the Secretary of State and almost invariably any positive recommendations from inspectors are overturned, an act which in their minds goes against the very logic of localism. Roger Yarwood of the NFGLG commented on this with reference to planning cases he was dealing with: “It’s diabolical, I have got two Green Belt cases (which initially were passed on appeal) ... we are now getting towards two years on since they were called in and still no decisions have come out.. that is an absolutely unbelievable level of prejudice in my view. Local authorities are changing Green Belt boundaries to accommodate new housing, the Secretary of State isn’t intervening in any real way in that but a little site in the Green Belt for Gypsies and Travellers gets ‘called in’ by Eric Pickles (Secretary of State at DCLG).”<sup>215</sup> There are ongoing legal challenges to the Secretary of State’s call in of all Green Belt planning appeals and enforcement notice appeals.

### *Enforcement*

In the opinion of the Travellers’ Advice Team it is clear that the Government and local authorities are currently placing an emphasis on enforcement rather than on site provision and that it has become more difficult for Gypsies and Travellers to obtain planning permission for private caravan sites. In 2011 the Government placed restrictions on retrospective planning applications and in 2013 it strengthened the regulations governing the use of temporary stop notices (TSNs). Previously, local planning authorities could only issue TSNs in respect of caravans used as a main residence if the risk of harm to a compelling public interest was so serious as to outweigh any benefit to the occupier of the caravan. The new regulations mean that families may be ordered to move out of their homes with immediate effect.<sup>216</sup> Lord Avebury objected to the introduction of the new regulations and argued in Parliament that they could give rise to breaches of Articles 6, 8 and 14 and the First Protocol of the European Convention on Human Rights.<sup>217</sup> Commenting on new enforcement measures Roger Yarwood, planning officer for the NFGLG, informed the evaluation: “Well again it’s a negative piece of policy designed to make life more difficult for Gypsies and Travellers and it’s an over-reaction ... it’s an unnecessary piece of legislation because the local authority doing its job have the tools to do it without that but it’s just a bit of Government posturing to say they were doing

213 Interview conducted by Joanna Price – March 2014.

214 Interview conducted by Assen Slavchev – March 2014.

215 Interview conducted by Tom McCready – February 2014.

216 Children’s Rights Alliance for England (2013, 76) *State of Children’s Rights in England: Review of Government action on United Nations’ recommendations for strengthening children’s rights in the UK*, [http://www.crae.org.uk/media/64143/CRAE\\_England\\_Report\\_WEB.pdf](http://www.crae.org.uk/media/64143/CRAE_England_Report_WEB.pdf).

217 House of Lords Hansard, 17 June 2013, c. 83.

something to react to some very bad headlines. But those bad headlines were actually created by bad local authorities and bad processes rather than by the absence of legislation so it's a piece of legislation which was unnecessary".<sup>218</sup>

### *Security of Tenure and Tenants' Rights*

After a long campaign and following on from the European Court of Human Rights decision in *Connors v UK* (2005), security of tenure was granted to those Gypsies and Travellers living on local authority sites in England and Wales when the Mobile Homes Act (MHA) 1983 was brought into force (in 2011 in England and in 2013 in Wales).<sup>219</sup> According to the Travellers' Advice Team some local authorities have been introducing new written statements (as required by the MHA 1983) which include amended express terms which have not been agreed with the residents. This is unlawful.<sup>220</sup>

### *Legal Aid*

The Legal Aid, Sentencing and Punishment of Offenders Act (LASPOA) 2012 took out of scope all disputes under the MHA 1983 except for possession actions and serious disrepair issues. This means that although Gypsies and Travellers on local authority sites were given significant rights under MHA 1983, they may be unable to enforce those rights due to the lack of Legal Aid.

The restrictions brought in by LASPOA 2012 have also affected Gypsies and Travellers living on unauthorised encampments who have possession actions taken against them in the County Court. Previously they would have been able to defend those actions in the County Court if there were public law grounds to do so. However, the LASPOA 2012 has removed such cases from scope so that they will be prevented from doing so in the future; instead they will have to try and challenge eviction decisions by way of judicial review, which is a much more complicated process.

Additionally, the Government has recently introduced regulations which place restrictions on the payment of solicitors and barristers undertaking judicial review claims in cases funded by the Legal Aid Agency. Those restrictions are likely to deter many lawyers from undertaking judicial review claims. Yet such cases are essential for Gypsies and Travellers who may be forced to challenge unlawful public authority actions. This may mean that many Gypsies and Travellers have no redress against unlawful public authority actions and this, in turn, may amount to a breach of Article 6 of the European Convention on Human Rights (the right to a fair hearing).

Section 10 of LASPOA 2012 makes provision for the grant of "exceptional funding" in cases which are out of scope but where it is necessary to grant Legal Aid because the failure to do so would be a breach of:

1. the individual's Convention rights (within the meaning of the Human Rights Act 1998), or
2. any rights of the individual to the provision of legal services that are enforceable EU rights, or because it is appropriate to do so, in the particular circumstances of the case, having regard to any risk that failure to do so would be such a breach.

This provision was intended as a safety net, so as to ensure that the restrictions of Legal Aid could not be said to breach any right protected by the Convention or European Union law. However, statistics obtained by Community Law Partnership show that less than 1% of applications for exceptional funding have been granted to date. It follows that there will be little likelihood of Gypsies and Travellers who wish to defend eviction actions in the County Court or, for example, to take disrepair actions in a Tribunal, being granted exceptional funding to do so with the inevitable result that their right to a fair hearing will be violated.

218 Interview conducted by Tom McCreedy – February 2014.

219 In 2004 the European Court for Human Rights found the UK to be in violation of article 8 of the European Convention on Human Rights. In November 2004, the Government sent a memorandum to the Council of Ministers indicating that it accepted that security of tenure would have to be introduced on Local Authority Gypsy and Traveller sites. However, it took eight years for this provision to come into effect – Johnson, C., Ryder, A. and Willers, M. (2010) *Gypsies and Travellers in the United Kingdom and Security of Tenure*. European Roma Rights Centre.

220 TAT (2013).

Roma will also be adversely impacted by these reforms. Karen Meade, a law centre solicitor with extensive experience of working with Roma, informed the evaluation that Roma clients who had been self-employed for a number of years working as cleaners or food packers had lost their jobs but had had acute problems to get their entitlements including Housing Benefit, a problem compounded by the fact it had not been possible as a result of the LASPO Act to get legal aid advice in such cases.<sup>221</sup> Sylvia Ingmire, Director of the Roma Support Group, also noted that many Roma live in substandard private rented accommodation but changes to legal aid meant it was much harder for Roma to challenge landlords on disrepair because the LASPO Act limited such action to cases where there is a serious risk of harm.<sup>222</sup>

An independent commission, led by cross-bencher Lord Low, has examined the impact of cuts in funding for social welfare law advice and called for urgent reforms to ensure ordinary people can get the help they need to deal with employment, debt, housing and other social welfare law problems (Low Commission, 2014).<sup>223</sup> The Commission has called for the reintroduction of legal aid for all housing cases and action “to address the application and funding problems arising with section 10 of the LASPO Act on exceptional funding arrangements. These were intended to act as a safety net to guarantee the funding of cases that would ordinarily be out of scope for legal aid funding, but where either human rights or EU law require the provision of legal aid. The evidence to date is that these arrangements are not working” (Law Commission, 2014, xi).

### *The Definition (Relates to Gypsy and Irish Travellers not Roma)*

In January 2014 a ministerial statement was issued which indicated that the Government wants to consider the case for changes to the planning definition of ‘travellers’ to reflect whether it should only refer to those who actually travel and have a mobile or transitory lifestyle. The existing planning definition allows those who travel for an economic purpose with their caravans and those that have had to cease travelling for one of three specified reasons (that is, on grounds that they need to remain in one place in order to educate their children, or because they are too old or too ill to travel) to seek planning permission for a Gypsy or Traveller caravan site. Fears have been expressed that revisions to the definition could restrict yet further the number of Gypsies and Travellers who are able to seek planning permission to live in accordance with their traditional lifestyles.<sup>224</sup> At the Gypsy Roma Traveller communities conference in February 2014, Marc Willers, barrister, pointed out that the current definition already discriminates against Gypsies and Travellers who might wish to live in a caravan while pursuing a non-nomadic profession, occupation or education, and against those such as women (whether on their own or with children) who would feel too vulnerable to travel because of racism and vigilantism and that any further restriction could breach the European Convention on Human Rights. (Please see Appendix 2 in regard to ethnic definition, planning law definition and the definition now within the Housing Act 2004)

### *Funding for Sites*

The Government has introduced the New Homes Bonus, which they have argued will reward local authorities that deliver public and private Traveller sites. Councils will receive council tax match funding for six years. New local authority pitches will attract additional money in the same way as affordable housing. The Government has stated “Rather than meeting targets, local authorities will instead have real incentives to provide traveller sites and communities will see the benefits of development.”<sup>225</sup> The New Homes Bonus has failed to attract much confidence from Gypsy and Traveller campaigners who have indicated to this evaluation that it has provided an insufficient incentive to spur site provision. The consensus amongst community representatives is that given the reluctance of many authorities to provide sites the sum offered by the New Homes Bonus would not tip the balance.

221 Interviews conducted by Przemek Kierpacz – March 2014.

222 Interview conducted by Przemek Kierpacz – March 2014.

223 Report of the Low Commission on the future of advice and legal support –Tackling the Advice Deficit: A strategy for access to advice and legal support on social welfare law in England and Wales.

224 Proposal is outlined in Written ministerial statement by Local Government Minister Brandon Lewis 17 January 2014 <https://www.gov.uk/government/speeches/green-belt>.

225 Ryder et al (2011) A Big or Divided Society? Final Recommendations and Report of the Panel Review into the Coalition Government Policy on Gypsies and Travellers – Travellers’ Aid Trust page 30, [http://www.travellersaidtrust.org/big\\_or\\_divided\\_society.pdf](http://www.travellersaidtrust.org/big_or_divided_society.pdf).



Funding for local planning authorities to deliver new sites was resumed in 2011 as part of the Government's National Affordable Housing Programme. For 2011–2015, it has allocated 60m GBP to fund the provision of Traveller sites (Planning for traveller sites: Consultation, CLG, 2011, 2.13). This sum compares as follows to previous grant allocations and represents a significant reduction.<sup>226</sup>

- 2006-08 56m GBP (over two-year period – 28m GBP per year)
- 2008-11 97m GBP (over three-year period – 32m GBP per year)
- 2011-5 60m GBP (over four-year period – 15m GBP per year)

The authors of the report are not aware of European Regional Development Funds being used in site construction and social housing development for GTR communities.

### *Hidden Problem*

There is a hidden homelessness problem which the Government's bi-annual Gypsy/Traveller Counts do not identify and which can only be quantified by local authorities who undertake robust Gypsy and Traveller Accommodation Assessments. This partly concerns those Gypsies and Travellers who now living in housing because of a lack of secure sited accommodation. Additionally, over recent years there have been a number of temporary planning permissions granted. However, a temporary planning permission will, self-evidently, not last forever. At some stage those Gypsies and Travellers will require permanent accommodation on a caravan site. There is evidence which shows that a significant number of Gypsies and Travellers have been forced to move into housing out of desperation in recent years.<sup>227</sup> Many Gypsies and Travellers in conventional housing suffer serious psychological and psychiatric problems due to their aversion to this form of accommodation and it is reasonable to assume that a significant number of those who have been forced into conventional housing will find that this form of accommodation is wholly unsuitable and they will have a need for pitch provision.

### *Nomadism*

The following quotes reveal the hardships of nomadism in the UK today. "In camps I have been moved on two and three times in the early morning with little kids. I've been harassed by Police several times at night. Local authorities don't offer to take away rubbish at camps or sites."<sup>228</sup> In the document 'Planning policy for traveller sites' the Government states its overarching aim is to "ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers."<sup>229</sup> Despite this commitment there is little evidence of an increased supply of transit sites, in part this is because the government has weakened the central push for site delivery through scrapping the Regional Spatial Strategies and powers of direction in terms of pitch targets. Gypsies and Travellers have been forced into housing against their will due to the difficulties faced on unauthorised encampments and developments.<sup>230</sup> New guidance issued in 2013 on managing illegal and unauthorised encampments makes no reference to human rights or equality.<sup>231</sup>

The Scottish Parliament Equal Opportunities Committee called upon the Scottish Government to explore re-opening traditional stopping places and to carry out a review of traditional stopping places, based both on local authority and police records and in consultation with Gypsy/Travellers and local communities, to investigate the possibility of unblocking sites and providing services where needed. In response though the Scottish Government stated that whilst it would contribute to discussions on this issue, ultimately, the decision to re-open stopping places is one for the relevant local authority (Para 19).<sup>232</sup> In Wales, 'Travelling

226 Richardson, J (2011) *The Impact of Planning Policy Circular 1/06 on Gypsies and Travellers in England* De Montfort University, Leicester.

227 Smith, D. and Greenfields, M. (2013) *Gypsies and Travellers in housing: The decline of nomadism*, Bristol, Policy Press.

228 Interview conducted by Article 12 in Scotland.

229 DCLG (2012) *Planning for Travellers*, <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>.

230 Smith, D. and Greenfields, M. (2013) *Gypsies and Travellers in housing: The decline of nomadism*, Bristol, Policy Press.

231 DCLG (2013) *Dealing with illegal and unauthorised encampments* <https://www.gov.uk/government/publications/dealing-with-illegal-and-unauthorised-encampments-a-summary-of-available-powers>.

232 Equal Opportunities Committee – 1<sup>st</sup> Report, 2013 (Session 4) "Where Gypsy/Travellers Live". Scottish Government response to recommendations.



to a Better Future' notes that despite the trend among the Gypsy and Traveller community to settle in one location, there is still a need for transit provision and concludes "Current transit provision in Wales is insufficient to meet existing demand. Due to overcrowding on sites, pitches that were originally designated as transit have not been able to meet that function as they have been utilised to meet a more pressing need for residential pitches." The New Sites Grant can be used to deliver transit sites and the Welsh Government has stated it encourages applications from local authorities who experience a high level of short-term unauthorised encampments to apply for funding to deliver transit sites. New guidance is being devised on unauthorised encampments in Wales.<sup>233</sup> In Northern Ireland there are currently no transit sites despite there being a recognised need in the accommodation assessments in 2002 and 2008. The NIHE has stated it is currently working in conjunction with district councils, Traveller representative groups and Travellers to determine the specific need for such sites and where these should be located. In Northern Ireland the NIHE operates a 'co-operation policy' that allows Travellers to camp on a temporary basis but notes "this should not be seen as a substitute for permanent or transit sites. It is meant as a way of dealing with a humane requirement rather than an alternative to the permanent sites."<sup>234</sup>

Limited UK action on facilitating nomadism is compounded by the fact that the European Union often does not pay full attention to the needs of nomadic Gypsies and Travellers, mainly due to the fact that most Roma living in Europe are settled in housing. In the most recent report from the European Union, *Report on the implementation of the EU Framework for National Roma Integration Strategies* (2014), there is only passing reference to "halting sites".

## Roma Accommodation Issues

Research by the University of Salford concerning migrant Roma in the UK has indicated that in many cases Roma tend to be concentrated in small urban areas within wider metropolises. A desire to maintain support networks is possibly one factor but their location in particular areas is also greatly influenced by a need to find low cost or available rented accommodation. As a consequence Roma are often located in poor and deprived multi-ethnic areas and because of the shortage in social housing tend to end up in the private rental sector. A number of respondents in this evaluation highlighted that unscrupulous landlords are charging Roma tenants high rents for low quality and overcrowded accommodation. The Salford University study reported that a number of authorities stated that they were aware of migrant Roma living in their areas that rarely came into contact with the authority in any way, which was due partly to migrant Roma tending to be accommodated in private rented housing and thus having less interaction with local authority services.<sup>235</sup> The gravity of Roma accommodation issues (caused by exploitative landlords) are illustrated by the comments of a Derby Police Inspector and Police Sergeant:

*Sergeant – Horrendous [housing conditions], again they [Roma] are being exploited in a lot of cases. The accommodation they are being put into is awful, you wouldn't... Inspector – [interjects] No other sector of the community would have it.*

*Sergeant – and it's the amount of people living in each house as well which is unbelievable, overcrowding; and the rent that they are paying is extortionate, isn't it?*

*Inspector – compared to what they are getting, yes... We have gone back to living in Dickensian times.<sup>236</sup>*

The University of Derby Multi Faith Centre and Roma Community Care also found the overwhelming majority of Roma are living in the private rented sector, allowing some landlords to take advantage and exploit those who lack knowledge and often skills to negotiate or understand their legal rights, and therefore often fail to secure proper documentation such as tenancy agreements. Many landlords use their knowledge

233 Welsh Government Consultation on Proposed Revision of Managing Unauthorised Campaign Guidance (2013).

234 NIHE – *Our co-operation policy for Travellers*, [http://www.nihe.gov.uk/index/advice/advice\\_for\\_travellers/co-operation\\_policy.htm](http://www.nihe.gov.uk/index/advice/advice_for_travellers/co-operation_policy.htm).

235 Brown, P. Scullion, L and Martin, P (2013) *Migrant Roma in the UK* – University of Salford.

236 Data collected by Multi-Faith Centre – University of Derby and Roma Community Care.

of the plight of the Roma and their lack of acculturation in the UK and will take cash deposits without receipts or longer-term payments and within weeks begin eviction proceedings in the courts or illegally evict tenants as described by the local Police Inspector. Information from other respondents and initial research findings from other research projects suggest such practices are rife.

Sylvia Ingmire, Director of the Roma Support Group, informed the evaluation that concerns with the standard of accommodation and homelessness represented a priority area for 72% of their extensive client base. Ingmire noted she was aware that substandard accommodation had led to three house explosions in private rented accommodation in which Roma families resided, in addition the Roma Support Group was aware of Roma tenants being threatened with violence by landlords who wished to evict them.<sup>237</sup>

Although the Equal Opportunities Committee of the Scottish Parliament did not consider the issue of Roma, the following was noted in their report: "We heard, however, a distressing account of the living conditions that some migrant Roma find themselves in upon reaching Scotland. We see this as a crucial area for further work" (Para 5).<sup>238</sup> In Wales the 'Travelling Ahead to a Better Future' did not discuss Roma accommodation but the Wales Migration Partnership (WMP) funded by the Welsh Government and based at the Welsh Local Government Association is exploring Roma inclusion issues in Wales. In 2008 in Northern Ireland Roma who were concentrated in a particular area of Belfast were evacuated following attacks on their homes by extremists concerned at their perceived rapid appearance in a particular district.<sup>239</sup>

The groups involved in drafting this evaluation are greatly concerned about the lack of detailed research, assessment (baseline data) which means the accommodation problems of Roma are not sufficiently discussed or addressed by policy makers. The dearth of baseline data and research also contributes to a lack of strategic thinking by governmental agencies on Roma accommodation at a local, regional and national level. It is important for this group to be included in accommodation needs assessments and strategies and serious consideration is needed as to the best means to tackle the low standards and poor management that Roma tenants suffer from in the private sector. While there is little research on the accommodation needs of Roma communities, this report has obtained evidence of the distressing living conditions of many Roma in the UK who are vulnerably housed in substandard private rented sector properties. More local authorities need to use their powers of enforcement against landlords who fail to carry out repairs or who harass their tenants. Many Roma tenants and other disadvantaged groups in the private rented sector would benefit from an efficient and fair system of rent regulation.

**Scotland** – As in England there is a shortage of sites in Scotland and it has been reported that local authority action on Gypsy and Traveller accommodation and references to these groups in race equality strategies is variable.<sup>240</sup> The Scottish Parliament Equal Opportunities Committee in its investigation into Gypsy and Traveller accommodation stated:

*"We were appalled by some of the standards we saw on sites, and disgusted that rent-paying tenants were faced with such bleak living conditions. We expect the Minister to find a way of establishing a required standard for site facilities, whether through statutory guidelines such as the Scottish Housing Quality Standard or by some other means" (para 58).<sup>241</sup> A Gypsy respondent not surprisingly echoed these concerns: "The sites I've been in are full of waste and dirty. I have little children so it really affects me. I think Governments should clean up their act when it comes to Traveller accommodation."<sup>242</sup> Another respondent stated "The campsites are always so isolated and hazardous. They're always built next to dangers like train stations, scrapyards and motorways. When building the sites they don't*

237 Interview conducted by Przemek Kierpacz – March 2014.

238 [http://www.scottish.parliament.uk/S4\\_EqualOpportunitiesCommittee/Reports/eor-13-01w.pdf](http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Reports/eor-13-01w.pdf).

239 BBC News, Romanians leave NI after attacks, 23 June 2009, available at: <http://news.bbc.co.uk/2/hi/8114234.stm> (accessed 14 March 2014).

240 Amnesty (2012) On the margins: local authority service provision for Scottish Gypsy Travellers.

241 Equal Opportunities Committee – 1<sup>st</sup> Report, 2013 (Session 4) "Where Gypsy/Travellers Live". Scottish Government response to recommendations.

242 Interview conducted by Article 12.

*think of the safety of children or the mental or physical issues this causes Gypsy/Travellers. I think it would be better if they listened to Gypsy/Travellers and ask us where we would like to live.”<sup>243</sup>*

As in England there is no statutory duty to provide sites, instead planning guidance is relied upon. Under the Housing (Scotland) Act 2001 all local authorities must develop local housing strategies, supported by an accommodation needs assessment. Guidance advises that information should be collected from different community and household groups. However, according to the Scottish Parliament Equal Opportunities Committee very few local authorities appear to have acted on the results of such assessments (para 60).<sup>244</sup> The Scottish Government is to review planning guidance for local authorities. However, the Equal Opportunities Committee stated they were “extremely concerned by the notion of ‘monitoring through dialogue’ particularly in light of the fact that in the four years since the guidance was published there seems to have been little progress” (para 71).

In the report by the Scottish Parliament Equal Opportunities Committee Scottish local authorities are also criticised for their lack of commitment to site provision, with reference to COSLA (Convention of Scottish Local Authorities) the following comments are made: “We were disturbed by COSLA’s response to our call for evidence, which gives the impression that it does not see its role as being to support local authorities during the planning process” (para 72). This point was reiterated in the debate in the Scottish Parliament on the EOC report by Conservative Member Alex Jonestone: “If local authorities are unfit to take the matter through to its conclusion, there is no alternative but strong leadership from the Scottish Government in order to force through the changes. Discussion groups will not deliver. During the inquiry, COSLA resisted the invitation to become a significant part of the process. For that reason, I look forward to hearing what the Government will do in response to the report, but I also look forward to the day when it will deliver that strong leadership and we eventually begin to progress the long-term solution to this unfortunate problem.”<sup>245</sup> These different sets of comments could be interpreted as providing justification for the Scottish Government to introduce a duty to provide sites.<sup>246</sup> MECOPP (Minority Ethnic Carers of Older People Project) has stated “We view the absence of a clear statutory framework as a serious omission that has severely disadvantaged families from finding a suitable place to stop or stay.”<sup>247</sup>

The Scottish Government has established a group to examine the issue of sites including the provision and quality of local authority and Registered Social Landlord sites, and the adequacy of the tenancy agreements between a local authority and a Gypsy/Traveller household. It will also examine the issue of unauthorised sites. The group includes representatives from local authorities, COSLA, the Gypsy/Traveller community, the Scottish Government, and other relevant stakeholders and met for the first time in January 2014.<sup>248</sup> There has been no Scottish government funding available since 2008 when one million GBP was available in each financial year from 2005 to 2008 for local authorities to bid for grants for both improvements to existing local authority sites and for new residential or transit sites.<sup>249</sup>

**Wales** – In Wales there is also a shortage of sites. Emerging figures from accommodation needs assessments indicate an additional 300–350 pitches are required to meet current and future demand. The Welsh Government Framework ‘Travelling to a Better Future’ notes that local authorities have demonstrated limited commitment to extending site provision and argues that the Welsh Local Government Association (WLGA) should help councillors undertake this role by providing training to elected members on Gypsy and Traveller issues. Councillors require the support and direction that the WLGA can provide.<sup>250</sup> The Housing (Wales) Bill currently progressing through the assembly will place a duty on local authorities to meet the needs of Gypsies and Travellers. This is a significant step and presents a movement towards a robust delivery mechanism that will assist in overcoming local opposition to sites.

243 *ibid.*

244 Equal Opportunities Committee 1st Report, 2013 (Session 4) Where Gypsy/Travellers Live – Published by the Scottish Parliament on 26 March 2013.

245 Debate in the Scottish Parliament 5<sup>th</sup> September 2013, [http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=8467&mode=html#job\\_76748](http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=8467&mode=html#job_76748).

246 A duty to provide sites was proposed in the Scottish Traveller Law Reform Bill in 2005, the Bill was drafted by the Govan Community Law Partnership and Gypsy and Traveller groups.

247 Response from MECOPP to the Equal Opportunities Committee Inquiry into Gypsy/Travellers and Accommodation, 2012.

248 Written submission from the Scottish Government – March 2014.

249 Scottish Government Website – Accommodation, <http://www.scotland.gov.uk/Topics/People/Equality/gypsiestravellers/accommodation>.

250 ‘Travelling to a Better Future’ Gypsy and Traveller Framework for Action and Delivery Plan.

In its submission to this evaluation the Welsh Government justifies this new initiative as follows: “Between July 2011 – July 2013, only an additional three local authority pitches were provided, though an additional five authorised sites were approved across Wales (Caravan Count data). The first local authority built Gypsy and Traveller site in Wales since 1997 is almost finished, initially providing an additional 10 pitches. However, this pace of provision is unacceptable due to the large shortfall in pitches and the economic, social and environmental costs of not providing enough culturally appropriate accommodation. We believe that placing a duty upon local authorities to provide sites – supported by the Sites Capital Grant and updated guidance – will increase provision. If local authorities do not comply with the ‘sites duty’, Welsh Ministers would have the power to direct them to do so under the Housing (Wales) Bill”.<sup>251</sup>

Funding has also been made available to local authorities who pursue new sites and for those who refurbish existing sites. In 2011/12, 2m GBP was made available and was used for refurbishment purposes. In 2012/13, 1.75m GBP was made available and was also used for refurbishment purposes. In 2013/14, 3.25m GBP has been made available for a combination of refurbishment and new site development.<sup>252</sup>

**Northern Ireland** – Traveller accommodation policy in Northern Ireland was substantially revised as a consequence of a report in 1998 by the Working Party on Travellers Accommodation Needs, initiated by the (NI) Minister, Lord Dubs. Traveller accommodation functions, including ownership and management of serviced sites, became the responsibility of the Northern Ireland Housing Executive (NIHE). At a later stage the NIHE assumed responsibility for the provision and management of transit sites.<sup>253</sup> A number of group housing schemes have been established in Northern Ireland.<sup>254</sup> There are currently five occupied serviced sites in Northern Ireland and the NIHE is in the process of upgrading these.

The NIHE also undertook a needs assessment of all current and projected Traveller accommodation requirements in Northern Ireland in 2002, 2008 and 2013. The research provides a socio-economic profile and informs future planning of accommodation for the Traveller population in Northern Ireland. The Department for Social Development in the Northern Ireland Assembly has ultimate responsibility for coordinating Traveller accommodation.<sup>255</sup> The Northern Ireland Traveller focus group noted there were not enough Transit sites, but that ‘pull on pull off’ sites can work, although there is a need for proper wardens on site to look after them. According to written submissions from the Northern Ireland Government new temporary/transit sites for Traveller and Gypsy families in Newry, Belfast and Craigavon are currently being sought.

The Interaction of Policy on GTR Communities and Key Aspects of the Equality Measurement Framework	Research Findings which indicate cause for concern when matched against the EMF criteria
<p><b>Standard of Living</b></p> <p>– Housing quality and security</p>	<p>Roma tenants are located in the private sector in substandard accommodation and are being victimised and taken advantage of by bad landlords.</p> <p>A shortage of sites has also forced many Gypsy and Traveller families into poor standard private rented accommodation.</p> <p>A fifth of the caravan dwelling Gypsy and Traveller population live on unauthorised developments and encampments and are technically homeless. Other are located on marginal space and have poor access to amenities and facilities.</p>

251 Welsh Government written submission March 2014. A full explanation of the Housing (Wales) Bill can be found in the Explanatory Memorandum (<http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs/pri-ld9558-em-e.pdf?langoption=3&ttl=PRI-LD9558-EM%20-%20Housing%20%28Wales%29%20Bill%20-%20EXPLANATORY%20MEMORANDUM>).

252 Welsh Government written submission February 2014.

253 Initially District Councils were given responsibility for transit sites but this led to some disquiet and was hence transferred to the NIHE

254 Group housing is where Travellers can live together, often in extended family groups, in a small housing development, sometimes with additional space for touring caravans (which are not lived in).

255 Housing Policy Discussion Series – Traveller Accommodation in Ireland: Review of Policy and Practice 2008

[http://housing.ie/Housing/media/Media/Publications/Traveller-Accommodation-in-Ireland\\_Review-of-Policy-and-Practice.pdf](http://housing.ie/Housing/media/Media/Publications/Traveller-Accommodation-in-Ireland_Review-of-Policy-and-Practice.pdf).

## GOOD PRACTICE

Probably one of the most important needs for Gypsies, Roma and Travellers is access to decent homes, yet it remains an area where good practice is scant. For example, few local authorities are noted for addressing the accommodation needs of Gypsies and Travellers by not only identifying a five-year supply of pitches but actually delivering that supply. However, the evaluation for this report was able to identify some examples of good practice.

**Negotiated Stopping Places** – Leeds City Council is an important exception to the rule on unauthorised encampments with its ‘negotiated stopping’ policy, which promotes dialogue and negotiation leading where appropriate to the identification of a stopping place which will be tolerated, allowing families respite from eviction and access to services. Leeds GATE has noted that between 2003 and 2010 Leeds City Council spent 2m GBP on ‘eviction and clear up costs’ associated with unauthorised encampments. Relations between the local authority and encampments centred on enforcement action to remove the families, which merely repeated the cycle of unauthorised encampments and legal action, whereas the new regime of tolerance and negotiation adopted by Leeds City Council has saved it 100,000 GBP during the first year of operation. Leeds GATE played an important role amongst the groups which actively lobbied for this policy and has played a mediating role between the Travellers and the relevant authorities.<sup>256</sup>

**Site Provision** – In terms of more residential site provision, Fenland Council (which was discussed above) remains one of the few local authorities that has a record for being proactive in developing and facilitating good quality accommodation.

**Housing Support for Roma** – It should be noted that there were few reports of good practice apart from the (limited) advice and information services provided by community groups and the examples of local authorities like Leeds, where housing support workers were proactive in alerting Housing Standards to poor landlords and ensuring pressure was exerted to deter landlords offering substandard accommodation.

**The National Federation of Gypsy Liaison Groups** – The planning system remains a source of frustration and anxiety for many Gypsies and Travellers, especially for families who seek to develop private sites who are confronted with intense local opposition and what are perceived as arbitrary planning decisions which can lead to complex and stressful hearings and legal challenges. The National Federation of Gypsy Liaison Groups through its planning officer Roger Yarwood has been able to scrutinise closely local development plans in the Midlands seeking to ensure they are inclusive towards Gypsies and Travellers and supporting families through the planning process. It is a serious cause of concern that resources do not exist to allow such work to be conducted at the same level in the other English regions. Article 12 in Scotland, in partnership with Planning Aid Scotland, is currently working with groups of young Gypsy/Travellers informing them of planning processes and supporting them to participate at the local and national level when decisions are being made regarding site provision.

The case studies reveal the cost benefits and positive impact on community relations and inclusion that decent accommodation can facilitate.



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# ANNEX 1

## Powers Held by the UK Government and Devolved Administrations

UK GOVERNMENT	SCOTTISH GOVERNMENT				
<p>Reserved matters include:</p> <ul style="list-style-type: none"> <li>- the constitution</li> <li>- foreign affairs</li> <li>- defence</li> <li>- international development</li> <li>- the Civil Service</li> <li>- financial and economic matters</li> <li>- immigration and nationality</li> <li>- misuse of drugs</li> <li>- trade and industry</li> <li>- aspects of energy regulation (e.g. electricity, coal, oil and gas and nuclear energy)</li> <li>- aspects of transport (e.g. regulation of air services, rail and international shipping)</li> <li>- employment</li> <li>- social security</li> <li>- abortion, genetics, surrogacy, medicines</li> <li>- broadcasting</li> <li>- equal opportunities</li> </ul>	<ul style="list-style-type: none"> <li>■ health and social work</li> <li>■ education and training</li> <li>■ local government and housing</li> <li>■ justice and policing</li> <li>■ agriculture, forestry and fisheries</li> <li>■ the environment</li> <li>■ tourism, sport and heritage</li> <li>■ economic development and internal transport</li> </ul> <tr> <th data-bbox="498 827 1262 858">WELSH GOVERNMENT</th> </tr> <tr> <td data-bbox="498 858 1262 1441"> <ul style="list-style-type: none"> <li>■ agriculture, fisheries, forestry and rural development</li> <li>■ ancient monuments and historic buildings</li> <li>■ culture</li> <li>■ economic development</li> <li>■ education and training</li> <li>■ environment</li> <li>■ fire and rescue services and promotion of fire safety</li> <li>■ food</li> <li>■ health services</li> <li>■ highways and transport</li> <li>■ housing</li> <li>■ local government</li> <li>■ National Assembly for Wales</li> <li>■ public administration</li> <li>■ social welfare</li> <li>■ sport and recreation</li> <li>■ tourism</li> <li>■ town and country planning</li> <li>■ water and flood defence</li> <li>■ Welsh language</li> </ul> <tr> <th data-bbox="498 1451 1262 1481">NORTHERN IRELAND</th> </tr> <tr> <td data-bbox="498 1481 1262 1911"> <ul style="list-style-type: none"> <li>■ health and social services</li> <li>■ education</li> <li>■ employment and skills</li> <li>■ agriculture</li> <li>■ social security</li> <li>■ pensions and child support</li> <li>■ housing</li> <li>■ economic development</li> <li>■ local government</li> <li>■ environmental issues, including planning</li> <li>■ transport</li> <li>■ culture and sport</li> <li>■ the Northern Ireland Civil Service</li> <li>■ equal opportunities</li> <li>■ justice and policing</li> </ul> </td> </tr> </td></tr>	WELSH GOVERNMENT	<ul style="list-style-type: none"> <li>■ agriculture, fisheries, forestry and rural development</li> <li>■ ancient monuments and historic buildings</li> <li>■ culture</li> <li>■ economic development</li> <li>■ education and training</li> <li>■ environment</li> <li>■ fire and rescue services and promotion of fire safety</li> <li>■ food</li> <li>■ health services</li> <li>■ highways and transport</li> <li>■ housing</li> <li>■ local government</li> <li>■ National Assembly for Wales</li> <li>■ public administration</li> <li>■ social welfare</li> <li>■ sport and recreation</li> <li>■ tourism</li> <li>■ town and country planning</li> <li>■ water and flood defence</li> <li>■ Welsh language</li> </ul> <tr> <th data-bbox="498 1451 1262 1481">NORTHERN IRELAND</th> </tr> <tr> <td data-bbox="498 1481 1262 1911"> <ul style="list-style-type: none"> <li>■ health and social services</li> <li>■ education</li> <li>■ employment and skills</li> <li>■ agriculture</li> <li>■ social security</li> <li>■ pensions and child support</li> <li>■ housing</li> <li>■ economic development</li> <li>■ local government</li> <li>■ environmental issues, including planning</li> <li>■ transport</li> <li>■ culture and sport</li> <li>■ the Northern Ireland Civil Service</li> <li>■ equal opportunities</li> <li>■ justice and policing</li> </ul> </td> </tr>	NORTHERN IRELAND	<ul style="list-style-type: none"> <li>■ health and social services</li> <li>■ education</li> <li>■ employment and skills</li> <li>■ agriculture</li> <li>■ social security</li> <li>■ pensions and child support</li> <li>■ housing</li> <li>■ economic development</li> <li>■ local government</li> <li>■ environmental issues, including planning</li> <li>■ transport</li> <li>■ culture and sport</li> <li>■ the Northern Ireland Civil Service</li> <li>■ equal opportunities</li> <li>■ justice and policing</li> </ul>
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<ul style="list-style-type: none"> <li>■ health and social services</li> <li>■ education</li> <li>■ employment and skills</li> <li>■ agriculture</li> <li>■ social security</li> <li>■ pensions and child support</li> <li>■ housing</li> <li>■ economic development</li> <li>■ local government</li> <li>■ environmental issues, including planning</li> <li>■ transport</li> <li>■ culture and sport</li> <li>■ the Northern Ireland Civil Service</li> <li>■ equal opportunities</li> <li>■ justice and policing</li> </ul>					

## ANNEX 2

### Definitions of Gypsies and Travellers

There are three definitions of Gypsy and/or Traveller that are relevant in terms of domestic law.

Firstly, there is a definition that relates to the Equality Act 2010 and this is concerned with ethnic origin – see *CRE – v – Dutton* [1989] 1 All ER 306 for Romani Gypsies; *O’Leary – v – Allied Domecq* 29<sup>th</sup> August 2000 Central London County Court for Irish Travellers; and *MacLennan – v – Gypsy Traveller Education and Information Project* (2009), an employment tribunal decision, for Scottish Gypsy Travellers.

There is then a definition for planning purposes which is contained in Department for Communities and Local Government (DCLG) *Planning Policy for traveller sites* (2012) and which states that ‘gypsies and travellers’ means:

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.*

However, the definition used for the purposes of Gypsy and Traveller Accommodation Needs Assessments is contained in the Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006 and states that:

*Gypsies and Travellers means*

- a. Persons with a cultural tradition of nomadism or of living in a caravan; and
- b. All other persons of a nomadic habit of life, whatever their race or origin, including –
  - i. such persons who, on grounds only of their own or their family’s or dependants’ educational or health needs or old age, have ceased to travel temporarily or permanently; and
  - ii. members of an organised group of travelling show people or circus people (whether or not travelling together as such).

## ANNEX 3

### European Union Funding

A small number of projects have received European Social Funding specifically for Gypsies, Travellers and Roma which have run into the timeframe of this evaluation.

- Pembrokeshire County Council: Interventions to promote educational achievement by young members of the Gypsy Traveller population.
- Develop/EBP: Specialised one-to-one support for Gypsies and Travellers in Central Bedfordshire offering employability skills and work placements.
- People Development Group: Reducing reoffending by helping Gypsy Traveller Roma and Show People access employment and self-employment support in the West Midlands.
- Budapest City Council (project leader), Glasgow City Council, Roma-Net (partners): The common challenge of the partnership is how to overcome negative attitudes, how to improve consultation and engagement with the Roma community.
- Migration Yorkshire, Roma SOURCE: A European project to stop discrimination and improve understanding between Roma and mainstream communities. The project has produced a range of resources you can use to promote equal rights for Roma and to reduce discrimination.
- Migration Yorkshire, Roma MATRIX: European project to combat racism, intolerance and xenophobia towards Roma and to increase integration, through a programme of action across Europe. MATRIX is a cross-sector partnership: it includes local and regional authorities, non-governmental organisations, private organisations and universities.
- University of Manchester, MigRoma: To carry out a three stage, longitudinal survey among recent Romanian Roma migrants in urban communities in Spain, Italy, France and the UK, and in their origin communities in Romania.

## ANNEX 4

### The EHRC and Landmark Court Case

In the case *R (on the application of J) v Worcestershire CC*. The Commission of Equalities and Human Rights (EHRC) gave expert advice in discrimination and human rights law as a third party, involved a child who has Down's syndrome and complex medical problems. The EHRC, in what the Judge described as 'powerful submissions', said that it was unrealistic for the child to access services anew every time the family moved into another local authority's area. The EHRC pointed to its own research that highlighted the inequalities faced by Gypsies and Irish Travellers (who are recognised as separate protected status groups under the Equality Act 2010) especially in relation to health care and education and said Worcestershire County Council had power under the law to meet the child's needs. The child's family argued that the Council's decision not to provide services outside of its borders failed to consider their culture or lifestyle and the Court agreed.<sup>257</sup>

257 *R (on the application of J) v Worcestershire County Council* [2013] EWHC 3845 (Administrative). See also High court rules local authority must consider funding for a Traveller child when travelling, <http://www.equalityhumanrights.com/news/2013/december/high-court-rules-local-authority-must-consider-funding-for-a-traveller-child-when-travelling>.

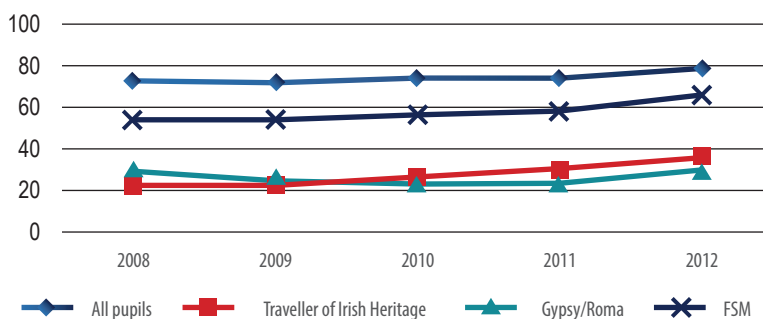
## ANNEX 5

### Data on Gypsy/Roma and Irish Traveller Pupils in Schools

Tables prepared by Brian Foster from data provided by the DfE from the Annual School Census

*Table 1. KS2 = Primary school aged children at the age of 11 years*

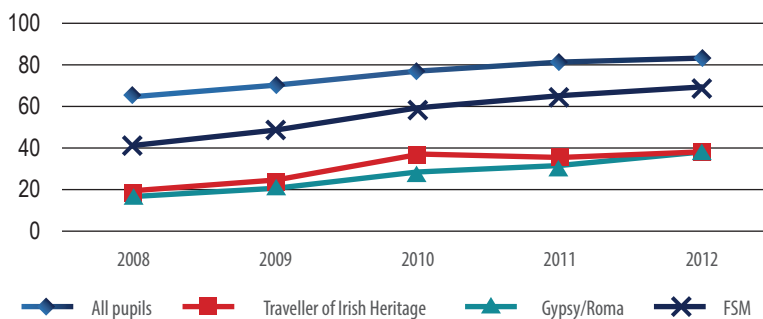
Achieving level 4 or above in English and maths at KS2



(FSM – Free School Meals)

*Table 2. Children take GCSE examinations at the age of 16*

Achieving 5+A\*-C at GCSE or equivalent





This report was prepared by the National Federation of Gypsy Liaison Groups. Membership of the NFGLG is made up of 15 member groups across England, Scotland, and Wales. The NFGLG is also grateful for input into the report by a number of other civil society organisations – the Traveller Movement, London Gypsy and Traveller Unit, Roma Support Group, Roma Community Care, Advisory Council for the Education of Romanies and Travellers, National Association of Teachers of Travellers, and An Munia Tober.

The authors of the report are: Andrew Ryder (Corvinus University Budapest, Third Sector Research Centre – University of Birmingham) and Sarah Cemlyn (The Centre for Poverty and Social Justice, University of Bristol). The Project managers are Siobhan Spencer MBE and Adrian Jones NFGLG Policy officer.

The following researchers have been involved in the project: Helena Kiely, Johanna Price, Assen Slavchev, Janie Codona, Przemek Kierpacz, Michael Daduč, Valerie Elliot, Tom McCready, Muzelley McCready and Article 12, a youth and equality group in Scotland; in Wales, Isaac Blake, Brigitta Balogh (The Romani Cultural and Arts Company); in Northern Ireland the Traveller organisation An Munia Tober worked with Belfast Health and Social Care. The Multi-Faith Centre at the University of Derby and Roma Community Care helped collect detailed data on Roma communities in Derby.

A Peer Review Group was led by Pauline Lane (health and social care), Alan Anstead (equalities), Marc Willers QC (law including EU law), Chris Johnson (specifically Gypsy and Traveller law), Arthur Ivatts OBE (education), and Angus McCabe of the Third Sector Research Centre at the University of Birmingham acting as a 'critical friend' in the review process.

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In 2013–2014, the Decade Secretariat has supported reports from civil society coalitions in eight countries: Bosnia-Herzegovina, Croatia, France, Germany, Italy, Montenegro, Serbia, and the United Kingdom. In the pilot year of 2012, reports from the following countries were supported: Albania, Bulgaria, Czech Republic, Hungary, Macedonia, Romania, Slovakia, and Spain.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their NRIS. These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data.



## Decade of Roma Inclusion Secretariat Foundation

Teréz körút 46.

1066 Budapest, Hungary

[www.romadecade.org](http://www.romadecade.org)