



ON THE MARGINS

Local authority service provision
for **Scottish Gypsy Travellers**

Amnesty International

On the margins: Local authority service
provision for Scottish Gypsy Travellers
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INTRODUCTION

Scottish Gypsy Travellers have a long history of facing discrimination in Scotland. In 2001, the Scottish Parliament's Equal Opportunities Committee conducted an inquiry that highlighted continuing discrimination and adopted a number of recommendations for Scottish authorities. Eight years later, Amnesty International Scotland was asked to investigate the issue and the results of the resulting project indicate that progress in implementing the Equal Opportunities Committee's recommendations remains slow and patchy.

Amnesty International Scotland has found a mixed response from local authorities in relation to services for Scottish Gypsy Travellers. We are disappointed that 11 years on since the Equal Opportunities Committee's report on this community group, some local authorities have made very slow progress. We have, however, found some examples of good practice. The challenge for the Scottish Government and local authorities is to build on this and increase the pace of reform to meet human rights standards in service provision.

Our project focused on local authority service provision with respect to the right to housing. However, we believe that discrimination and negative stereotyping affects a range of services and consequently acts as a barrier to the enjoyment of a number of human rights by this still marginalised community.

TERMINOLOGY

For our research, we used the same terminology as in the 2001 report from the Equal Opportunities Committee of the Scottish Parliament and prefer ‘Scottish Gypsy Travellers’ rather than the term traveller or other descriptions.

Our research does not cover other Gypsy and Travelling communities such as Irish Travellers or Roma Gypsy. However, we accept that some responses we have received from local authorities will cover services for all Gypsy and Travelling communities and not just Scottish Gypsy Travellers.

We also refer to ‘settled community’ to refer to the local non-Gypsy/Traveller community.

METHODOLOGY

There were three phases to our report.

PHASE 1

In December 2009, Amnesty International sent out Freedom of Information requests to all 32 Scottish local authorities asking for documentary information concerning four of the 37 recommendations made within the Equal Opportunities Committee's 2001 report. The four recommendations apply to the work local authorities should be doing. We asked for information on:

- the role of Gypsy Traveller Liaison Officers within the authority, along with their prescribed duties;
- use by the authority of the 'Model Tenancy Agreement'¹ developed by the former Advisory Committee on Scotland's Travelling People;
- the circumstances and needs of Gypsy Travellers within the authority's local housing strategy;
- the circumstances and needs of Gypsy Travellers within the authority's race equality scheme.

All 32 councils responded to the information request. However, responses from the Island authorities made it difficult to ascertain whether or not they had a population of Scottish Gypsy Travellers with accommodation needs beyond the informal arrangements in place. Therefore our research only analyses data drawn from the 29 Scottish mainland authorities.

From the responses we received from 29 local authorities, we measured the extent to which local authorities were, for example, fulfilling their duties under the Housing (Scotland) Act 2001 and their race equality duties. It is therefore possible to provide numeric data on, for example, how many local authorities provide a fair tenancy agreement that they consult on, or how many local authorities consider the specific circumstances and needs of Scottish Gypsy Travellers within their Race Equality Schemes. We also assessed the performance of each local authority alongside the findings and recommendations of other research reports where they concerned that council, such as the Equality and Human Rights Commission's (EHRC) assessment of local authorities' progress in meeting the accommodation needs of Gypsy and Traveller Communities in Scotland.²

PHASE 2

In 2010, following our analysis of the information received from each local authority, we responded with tailored recommendations to each council. These were contained in a letter addressed to the chief executive, and also sent to its elected members. Following a period in which each had an opportunity to respond and discuss the recommendations made, the letters were then forwarded to the local media together with details of the council's response where this was available.

PHASE 3

In December 2011, Amnesty International once again contacted all local authorities to ask for an update on their service provision. Just over half of the local authorities responded and this report reflects all information received.

HUMAN RIGHTS AND SCOTTISH GYPSY TRAVELLERS

Amnesty International has been campaigning on human rights issues around the world for over 50 years. We consider Scottish Gypsy Travellers as a marginalised community that continues to be discriminated against. They constitute a group that has been prevented from fully realising their human right to adequate housing, which can impact on their ability to enjoy other services and rights.

Article 25.1 of the Universal Declaration of Human Rights recognises the right to adequate housing as integral to the right to an adequate standard of living. Housing rights are enshrined in international treaties signed and ratified by the UK and therefore applicable in Scotland, including the International Covenant on Economic, Social and Cultural Rights (ratified in 1976).

The Committee on Economic, Social and Cultural Rights oversees implementation of this treaty. Its General Comment 4 describes the core components of the right to adequate housing and the resulting state obligations. These include:

- **Security of tenure:** Legal protection against forced evictions and other threats to housing; everyone must have secure tenure of their housing – this could take the form of ownership of the land or house, a lease agreement, a tenancy agreement or cooperative housing ownership arrangements – and legal recognition of housing which protects them from eviction without due process.
- **Availability of services, materials, facilities and infrastructure:** For a house to be considered adequate, it must have sustainable access to basic facilities essential for health, security and comfort, including sustainable access to safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, garbage disposal, site drainage and the emergency services.
- **Affordability:** The costs associated with housing should not compromise or threaten the satisfaction of other basic needs (including food, health and education).
- **Habitability:** Housing must provide adequate space and physical safety, as well as protection from cold, damp, heat, rain, wind or other threats to health.
- **Accessibility:** Housing should be made available to all. Disadvantaged groups such as the elderly, children, people with disabilities, people living with HIV/AIDs, victims of natural disasters, people living in disaster-prone areas should be given some degree of priority in allocation of housing.
- **Location:** Housing must be located to allow access to health centres, schools, employment, emergency services and other services. This applies to housing both in the villages and the cities. Housing should not be located in dangerous or unhealthy places.
- **Cultural adequacy:** The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernisation in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed. Among other things, modern technological facilities, as appropriate, should also be ensured.

General Comment 4 also notes that in order for a state party to satisfy its obligations it must demonstrate *inter alia* that it has taken whatever steps are necessary, either alone or on the basis of international cooperation, to ascertain the full extent of homelessness and inadequate housing within its jurisdiction.

SCOTTISH GYPSY TRAVELLER POPULATION

The Scottish Government's last bi-annual count³ of Scottish Gypsy Travellers found that in July 2009 there were around 2,120 living on Council/Registered Social Landlord Sites (RSL), private sites and unauthorised encampments in Scotland. The Scottish Government acknowledges that is an underestimate as there are difficulties in ascertaining accurate figures. The count does not include Scottish Gypsy Travellers who live in ordinary housing and those that live in such accommodation do not always identify themselves as Gypsy Travellers. Also, although travelling is declining for some Scottish Gypsy Travellers, for those that do travel, it makes it more difficult to capture numbers at a given point in time.

Organisations that work with Scottish Gypsy Travellers estimate that the figure is closer to 20,000 people.⁴

While it might be difficult to get accurate population counts, this should not preclude local authorities and other public agencies from including Scottish Gypsy Travellers in service planning processes such as housing strategies and race equality plans. Public agencies have duties and obligations to do so under domestic laws and international treaties.

RESEARCH FINDINGS

1 ROLE OF THE GYPSY TRAVELLER LIAISON OFFICER

We sought information from local authorities about the role of the Gypsy Traveller Liaison Officer. This was in relation to recommendations 8 and 32 of the Equal Opportunities Committee Inquiry⁵:

Recommendation 8

'Appointment by local authorities of a designated Gypsy Traveller Liaison Officer (GTLO) (a role separate from but requiring close working with site managers) is recommended. The role of the GTLO would develop information and support services for Gypsy Travellers in the local area and appropriate mechanisms for consultation.'

Recommendation 32

'Where a Gypsy Traveller Liaison Officer is appointed their specific responsibilities should include consultation with Gypsy Travellers, promoting appropriate service provision, providing information and support to Gypsy Travellers in accessing public services.'

Only ten local authorities said they employed a Gypsy Traveller Liaison Officer. However, 14 local authorities employed a site manager whose job description included a variety of duties that included liaison with Scottish Gypsy Travellers in transit when they stopped in the area and stayed at roadside camps (also referred to officially as unauthorised encampments⁶).

For seven of the local authorities that said they employed a GTLO, the details within the job description and role were unclear in regard to liaison activities outside of the permanent site.

In our letter to local authorities we noted that a recommendation of hiring a Gypsy Traveller Liaison Officer (GTLO) with separate but complementary duties to the site manager had been a recommendation within the Equal Opportunities Committee's report. Conversations with some site managers and written responses from some local authorities suggested that where GTLOs had been hired in addition to site managers, duplication of duties had occurred, at additional expense to local authorities. Most of these local authorities had subsequently incorporated all GTLO duties into the role of the site manager.

Many local authorities said that much of the additional work of liaising with Scottish Gypsy Travellers was taken up by officers in various service departments (eg Housing, Social Services, Education, Environmental Services), or by working groups encompassing all these services. Consequently, they argued that hiring a GTLO in addition to the site manager did not make economic sense at this time.

In the opinion of Amnesty International, the critical elements of the Equal Opportunities Committee's recommendations are the provision of services of information, support and consultation. The private nature of the community and the need to build a relationship of trust makes this work better suited to an individual independent of the local authorities' institutions, who the community can contact for education, health and social care advice and assistance. Such a service can be provided by a local authority employee but we also learned of examples where councils had concluded Service Level Agreements with third party organisations, including Aberdeen's agreement with the Gypsy Traveller Education and Information Project (until its demise), and West Lothian Council's partnership with Save the Children. East Lothian Council currently has such an arrangement with Shelter Scotland's GTLO for independent, unbiased advocacy and liaison work. The function of Shelter Scotland as a liaison between the local authorities and the Gypsy and Travelling community has a number of additional functions which are not present within the structures of local authorities themselves. Shelter has also been working to break down barriers between the Travelling and settled communities by running cultural awareness events.

A number of local authorities responded to our enquiries by asking for details of an organisation that works in their area. Amnesty International understands that Shelter has indicated it is able and willing to sign further service agreements across additional Scottish local authorities. There may be other organisations with the existing or potential capacity to fulfil the GLTO service and there may be a role for the Scottish Government or COSLA to support this work. Local authorities should work with the Scottish Gypsy Traveller community to determine if a local authority in-house GTLO is a better model (where there currently is not one) for their area or an external organisation contracted to carry out GTLO functions or some other alternative arrangement.

2 MODEL TENANCY AGREEMENT

Recommendation 6 of the Equal Opportunities Committee's report included:

'The development of a model tenancy agreement for Gypsy Traveller sites managed by local authorities and RSLs.'

Eighteen of the 21 Councils operating permanent sites were able to send us their tenancy agreements. Two others were in the process of replacing theirs.

The 'Model Tenancy Agreement' referred to by the Equal Opportunities Committee report was developed by the now defunct Advisory Committee on Scotland's Travelling People, which was still to be published. In the absence of a published national model tenancy agreement Amnesty International identified a small number of key elements to such agreements and supporting documentation and developed our own 'Model Tenancy Agreement':

- **Security of Tenure (eg the agreement contains details of succession of lease to relatives/co-habitee in the event of the death of a tenant).**

This is standard within the Scottish Secure Tenancy agreement for council house residents. Eleven out of the 18 documents did not contain any details of lease transfer/succession rights. One local authority assured us in its response that in spite of the lease not containing this, the local authority would do so automatically. The implication of not providing this is that on the death of the tenant signatory, the family may face homelessness. International standards on housing rights refer to security of tenure; therefore, Amnesty International is concerned where this is not available.

- **Consultation regarding change to tenancy agreements**
Eight out of 18 councils did not provide any details within the agreement of consultation measures they would adopt in case of review of tenancy agreements.
- **A clear complaints procedure**
Ten agreements did not contain details of the councils' complaints procedures for tenants. A few councils put these details into site handbooks given to tenants on arrival.
- **The rights and duties of both parties set out in a clear manner**
Four agreements did not contain information about the rights and duties of tenants and landlord (the council) and some of these were heavily weighted towards the responsibilities of tenants and the outlawing of specific activities on site.
- **Availability of legal advice from outside of the council (contact details on agreement).**
Nine agreements did not contain any reference to independent advice and advocacy organisations that tenants might refer to. This comprises half of the agreements we reviewed.
- **Availability of the tenancy agreement in accessible formats (for example, in audio format for people with limited literacy or visual impairment).**
Ten agreements did not contain details of providing the document in accessible format (eg Braille, easy read, audio).

There is little uniformity in how tenancy agreements/missives of lease are drawn up for permanent sites. Of concern, only three of the tenancy agreements we received satisfied all of the above criteria. While five agreements satisfied four or more of the criteria and eight satisfied two or less.

Another concern was that two councils with permanent sites had transferred management to Registered Social Landlords (RSLs) and did not retain a copy of the tenancy agreements in use at the sites. This was raised as a recommendation in one of the accommodation assessments for one of these councils and yet this shortfall had still not been redressed by 2010.

One local authority responded to our recommendations saying that although these criteria are not contained within the actual legal agreement, the local authority does include much of the information which Amnesty had highlighted as missing in a charter and information pack, which is given to new arrivals to the site. The response also expressed awareness within the local authority that the tenancy agreement is in need of review and this will be done *'taking into account service users' views'*.

3 LOCAL HOUSING STRATEGIES

Recommendation 4 of the Equal Opportunities Committee's report states that:

'New provision or site improvement programmes should be developed in consultation with Gypsy Travellers and representative organisations, on issues of location, design, facilities and services:

- *The design of amenity chalets should conform to both the Below Tolerable Standards and Standard Amenity for housing, such as space standards, heating, energy, insulation, kitchen and wc facilities;*
- *The provision of community services and facilities on sites, such as community meeting places, play facilities, barrier-free and adapted amenity chalets, should be included.'*

Recommendation 10 states that:

'Local planning authorities should be required to identify the need for Gypsy Traveller site provision and land for sites in statutory [land use] plans, using Community Planning frameworks, which include Gypsy Travellers.'

Our research reveals broad inconsistencies between local authorities in their planning for the accommodation needs for this community. Ultimately, each local authority has a responsibility to provide culturally appropriate housing under General Comment 4 on Adequate Housing and that extends to Scottish Gypsy Travellers.

The Scottish Housing (Scotland) Act 2001 requires that local authorities draw up Local Housing Strategies. Guidance on publishing a strategy specifies the inclusion of an assessment of the accommodation needs of Gypsy Travellers (as a group with specific needs).

Twenty-seven mainland authorities' Local Housing Strategy (LHS) documents were available, and two were not, due to these local authorities developing and consulting on the interim or next strategy at that time.

Of 27 strategy documents seen, 22 (82 per cent) included some consideration of issues affecting the accommodation needs of Scottish Gypsy Travellers. Nine of these suggested good planning for this community group.⁷ However, 14 of them were vague in their assessment. Five had no details whatsoever.

In its own research on local authority service provision in 2010, the EHRC also observed that even where strategies mention service provision, site conditions and site management, *'there is little apparent recognition of any significant shortfalls in site provision, nor indications that authorities are well prepared to move towards increasing site provision'*.⁸ Our own research found these LHSs contained little in terms of planning for the accommodation needs, and more often highlighted successes over any continuing unmet needs. It was striking that a small number of local authorities that host comparatively high numbers of Scottish Gypsy Travellers as residents and in transit did not evidence good planning.

The most common example of vague assessment and planning within LHSs was the commissioning of accommodation needs assessments for Scottish Gypsy Travellers in their area. This often appeared as both planning action and outcome (ie commissioned/completed), failing to make reference to or plan on the basis of recommendations arising from the assessment.

As a result, Amnesty International recommended in our letters to these councils that they respond to the recommendations raised in the accommodation assessments within planning documents, with timeframes, identified funding and responsible officers.

Many of these local authorities replied and informed us of actions that had been taken since the previous LHS. Eleven local authorities said that the next or interim LHS was in development, and that consideration of the accommodation needs of Scottish Gypsy Travellers was being made within the Housing Needs and Demands Assessment (HNDA). This was being carried out regionally, drawing on the information and recommendations made within the accommodation needs assessments. These HNDAs will inform planning in subsequent LHSs.

In response to Amnesty International's approach in December 2011 to ask for up-dated information on progress, the local authorities that previously were able to highlight strong consideration of Travellers in planning continued to show good practice. However, of the other local authorities, progress was varied. Falkirk and Fife councils demonstrated improvement in their consideration of Travellers within their Local Housing Strategy, while some local authorities have yet to make the progress necessary to fully incorporate travellers in their Local Housing Strategies. Therefore progress over the years has been mixed.

Although its Local Housing Strategy was not available during our research period, Highland Council appeared to be demonstrating good practice having developed a multi-agency action plan alongside other public bodies. Planning for accommodation needs sits alongside planning for a range of other needs.

4 HALTING OR TRANSIT SITES

Research⁹ and accommodation needs assessments have identified the need for local authorities to provide more stopping places/transit sites, in addition to permanent public authority sites, due to the loss, or blocking off of traditional stopping places, as well as *'restrictive policies on permanent local authority sites'*.¹⁰

Some local authorities had already identified the need for transit sites prior to our research. For example, one council provided a good description of the circumstances and needs of Gypsy Travellers in the council area within its Local Housing Strategy also recognised a shortfall in the number of transit sites. However, it did not provide details of plans to address this.

However, research and local authorities have also highlighted some of the difficulties in making appropriate provision. For example, Aberdeen City, Aberdeenshire and Moray Councils together commissioned an accommodation needs assessment in 2009.¹¹ This recognised that the councils in the Grampian region had previously attempted to identify land for transit sites but had faced opposition from local communities. The assessment recommended that an estimated 35 pitches are needed in the region as a whole, and that provision should comprise a mixture of site and tenure types *'including transit provision'*.¹²

Some local authorities had consulted with both the settled and Scottish Gypsy Traveller communities on identifying land for transit sites, with limited agreement. Funding was also an issue. One local authority told us:

'The Council would acknowledge this concern. Essentially, the problems are twofold: firstly, site identification. There is always a difficulty in agreeing a site which doesn't offend someone. Secondly, and more relevant, is the lack of funding for such sites. Costs to establish the standard of site as expected by the Scottish government and others, means a significant financial commitment both in terms of capital, and more relevantly in ongoing revenue.'

'The council has so far not considered such sites as a priority capital project.'

Two local authorities responded by saying that they were (together) consulting on the identification of land for sites after having secured over £80,000 in funding for this purpose from the Scottish Government.

Some of the accommodation needs assessments commissioned by local authorities recognised the need for them to debunk myths and stereotypes about Scottish Gypsy Travellers within their authority area, before they could have any success in identifying suitable sites. Identifying land for sites is clearly a contentious issue that has faced opposition from local communities and local media.

It is also clear that there is a need for transit sites in a relatively large area of Scotland, in which case recommendations made to address this with a regional approach need to be heeded. There is also a continuing need for an overall national approach to provide a 'network of sites' of varying size in consultation with Scottish Gypsy Travellers and in tandem with a national programme to tackle discrimination against this group. This would require planning at local, regional and national levels. As noted by a Commission for Racial Equality representative giving evidence at the Equal Opportunities Committee review of progress, *'There is one issue that I would like to raise – it sits above all the others – and that is visible leadership. Public leadership will shape attitudes and political leadership will support local delivery.'*¹³

5 ROLE OF THE SCOTTISH HOUSING REGULATOR

Recommendation 5 of the Equal Opportunities Committee's report refers to the input of the body appointed by the Scottish Government to regulate the provision of housing and accommodation in Scotland:

Recommendation 5

Scottish Homes as the new Executive Agency [became Communities Scotland and is now the Scottish Housing Regulator] will have responsibility for the regulation of local authority services for Gypsy Travellers. This role should include:

- *local needs assessment for Gypsy Traveller accommodation, including residential and short-stay sites, as a component of the local housing strategy [emphasis added];*
- *the provision of development funding for improvements to current sites and new site provision, where needs are identified;*
- *guidance on improving site management standards, policy and procedures which are appropriate to Gypsy Travellers' lifestyles and needs, to include consideration of socially affordable rents, equitable fuel costs and reasonable pitch retainer fees.*

Communities Scotland supported the majority of local authorities in conducting or commissioning accommodation assessments for this community. Overall, four main reports were produced between 2006 and 2009, along with a small number of sub-regional or single local authority studies, with 24 local authorities overall having conducted some kind of assessment¹⁴. Five Councils did not send us, or show evidence of having drawn from any such research. The Scottish Housing Regulator has a continuing remit to support those local authorities that have not yet produced or commissioned an accommodation needs assessment for this community.

In 2002, Communities Scotland published an assessment of provision of services for Scottish Gypsy Travellers provided by all 32 Scottish local authorities.¹⁵ A follow up study was published in 2006 and found broadly that *'progress [had] been made by some Councils, but that this is not uniform – there continues to be a lack of strategic planning, needs assessment and inter-agency working'*.¹⁶

At the same time as sending out Freedom of Information Requests to all Scottish local authorities, Amnesty International also sent a FOI request to the Scottish Housing Regulator asking for information including how the Scottish Housing Regulator is monitoring and evaluating implementation of the recommendations of the 2005/06 follow-up study of Services for Gypsies/Travellers by local authorities.

The Housing (Scotland) Act 2010 introduced a Scottish Social Housing Charter. The Charter Outcomes replace the existing Service Standards; and it changes the functions of the Housing Regulator, replacing *'existing powers of inspection with more flexible powers for engaging with landlords'*, and a duty to consult with stakeholders about its regulatory approach.

The Scottish Housing Regulator assured us that evidence of poor practice or failure of landlords to meet their statutory responsibilities in this area could be considered by the Regulator and incorporated into its ongoing risk assessment processes. The Scottish Housing Regulator has also published guidelines for councils' self assessment of accommodation provision on its web pages.¹⁷

Communities Scotland's follow-up study found that few improvements had been made between 2002 and 2005/06 in local authority service provision and meeting the standard. In light of this, we recommend that the Scottish Government develops clearer guidelines to regulatory bodies on addressing the accommodation inequalities faced by Scottish Gypsy Travellers.

6 RACE/SINGLE EQUALITY SCHEMES

As we have seen, one barrier to the provision of sites for Scottish Gypsy Travellers is opposition from settled communities. While local authorities often face local opposition to planning developments, the negative stereotyping and legacy of discrimination against Scottish Gypsy Travellers creates a clear impediment that must be addressed.

Findings from the Scottish Social Attitudes Survey (2006)¹⁸ included:

- *‘Evidently discriminatory attitudes towards Scottish Gypsy Travellers are widely held in Scottish society’.*
- *37 per cent of respondents would be ‘unhappy/very unhappy’ if close relative formed a long-term relationship with a Scottish Gypsy Traveller, while 31 per cent agreed that they would be ‘happy/very happy’. This is broadly the same result as for an asylum seeker with only ‘someone who had a sex change operation’ having a more negative response.*
- *31 per cent of those who say ‘Scotland should get rid of all kinds of prejudice’ (65 per cent of sample) remain unhappy about a relative forming a long-term relationship with a Scottish Gypsy Traveller.*
- *‘Only a handful of people (4 per cent) think that a black or Asian person would be unsuitable to be a primary school teacher, 15 per cent think this of a Muslim and 21 per cent say the same of a gay man or lesbian. Three in 10 (30 per cent) express unease about a transsexual person holding such a position while as many as half say that a Scottish Gypsy Traveller, a person who sometimes experiences depression and a person aged over 70 would be unsuitable.’*

The 2001 Equal Opportunities Committee report recognised the problem of discrimination and the need to address it.

Recommendation 3 states that:

‘Gypsy Travellers should be clearly identified as a specific community of interest in the implementation of the Equality Strategy, following which, it is recommended that:

- *there must be consultation with, and participation in, decision making by Gypsy Travellers, through the representation on working groups within the local authority area on public service provision and policy and their inclusion as service users in the monitoring and evaluation of policy and practice, and this must be monitored;*
- *to support consultation and partnership working, Gypsy Travellers and their representative organisations should be included in the provision of funding and other resources for community development and capacity building;*
- *the employment of Gypsy Travellers in public services should be promoted and encouraged through education, training and recruitment strategies.’*

Recommendation 12 states:

‘Gypsy Travellers should be identified as an ethnic group in policies on racial harassment and be included in related training and awareness raising for all those involved in the provision of housing.’

Public bodies are expected ‘to include Gypsy Travellers in their Race Equality Schemes and race equality work’.

In a 2005 review of the recommendations from the initial report, the Equal Opportunities Committee regretted the lack of progress in addressing the concerns and stated that *‘It is clear from the evidence received that Gypsies and Travellers stand out as a section of the community that receives particular levels of discrimination and negative treatment’.*

As part of our research, Amnesty International enquired about local authority equality schemes. Of the 29 mainland councils, one council's Equality Scheme was in development and therefore was not available. Of the remaining 28, only 13 (47 per cent) made some mention of Scottish Gypsy Travellers within their Race Equality/Single Equality/Equality and Diversity schemes. Of these, only five councils (18 per cent) – in Highland, Glasgow City, North Ayrshire, South Ayrshire and West Dunbartonshire¹⁹ – made full reference to any of the circumstances or needs of Scottish Gypsy Travellers, in terms of issues such as access to services, a plan to tackle racism and harassment, and consulting and engagement activities.

Ten local authorities' equalities schemes either made reference to this group as a community with specific needs, or referred to the commissioning of an accommodation needs assessment, with no further action planning or outcomes evidenced. While accommodation needs are an equalities issue for this community, we did not think this 'reference' fulfilled the recommendation in the Equal Opportunities Committee's report, or indeed, the terms of new legislation.

Again, there was inconsistency between different local authorities, with many pointing to the establishment of multi-agency working groups. Such approaches can be beneficial. However, within the list of members (representing local authority officers and associated agencies such as health boards), there was rarely representation of Scottish Gypsy Travellers and minimal evidence of routine and comprehensive consultation.

The 2005 Equal Opportunities Committee's review of progress found that the generic nature of many policies means that local authorities do not deliver on the specific needs of Scottish Gypsy Travellers.²⁰ A small number of local authorities say that, as they had informed us in their original FOI return, the Single Equality Scheme is a generic document that guides all related strategy and therefore they would apply the relevant functions of the policy to the group. However, in a small number of cases, we found that although some local authorities had produced a generic document, some in fact highlighted specific actions for named communities within the document. This demonstrates that it is possible to take account of the specific needs of Scottish Gypsy Travellers as there is a precedent in some local authorities of including named community groups.

In our follow-up letters to local authorities that had failed to account or plan for the specific circumstances and needs of Scottish Gypsy Travellers in their equality policies, we referred them to the guidance issued by the EHRC:

'Local authorities should adopt a more planned approach to delivering specific and prioritised equality outcomes – and this should replace the often ad-hoc activities and investments observed through this research'.²¹

Promisingly (mostly in response to the Equality Act (2010) and its public sector equality duties²²), nine councils responded positively to our recommendation on their race or single equality schemes – either committing to involve Scottish Gypsy Travellers in drawing up their next scheme, including specific action points, or reporting that they had already done so. East Lothian Council, for example, reported that it is consulting the community, delivering awareness training within the council, and publishing a new Equality, Diversity and Human Rights Scheme which will identify issues relating to health, access to services, and harassment.

One of the issues raised in some responses from local authorities was that Scottish Gypsy Travellers are a difficult group to access for consultation. While we are aware that many Scottish Gypsy Travellers prefer not to self-identify, it is well documented that this is largely due to the discrimination faced throughout their lives from people in authority. However, not self-identifying means that it is often difficult for local authorities to quantify the actual numbers of Scottish Gypsy Travellers living in their area.

When addressing the issue of accommodation, the Scottish Government and local authorities need to address this discrimination. They should highlight the positive contributions Scottish Gypsy Travellers have made to Scottish society over hundreds of years. Such actions need to be planned for as part of local authorities' equality duties under the Race Relations Act (amended 2001), and now the Equality Act (2010).

Moreover, State parties, and therefore public agencies, have a responsibility to eliminate racial discrimination under international treaties. Failure to do so is an abrogation of their duties and undermines Scottish Gypsy Travellers' human rights.

CONCLUSION

Amnesty International has found a mixed response from local authorities in relation to services for Scottish Gypsy Travellers. We are disappointed that some local authorities have made very slow progress in the 11 years since the Equal Opportunities Committee's report on this community group. At the heart of this are public agencies' duties under international treaties and domestic legislation to uphold housing rights and to end racial discrimination against this marginalised community.

There are some examples of good practice and we hope that other local authorities will learn from them how things can be done better or differently. All stakeholders need to be involved in planning culturally appropriate housing provision and reducing discrimination: the Scottish Government, Scottish Housing Regulator, local authorities and other public agencies, Scottish Gypsy Travellers and the settled community. We need to see more political leadership at national and local level bringing communities and agencies together to address needs that have been well documented but unmet for too long.

RECOMMENDATIONS

Based on the findings of our research, Amnesty International makes the following recommendations.

FOR THE SCOTTISH GOVERNMENT:

1. Support Scottish local authorities to establish a network of transit sites in order to reduce the incidence of unauthorised camps and thereby reduce tensions between Scottish Gypsy Travellers and local settled communities.
2. Take national leadership on building consensus across the country and in particular in areas where there have been community tensions, involving the whole community including Scottish Gypsy Travellers.
3. Re-convene the Gypsy/Traveller Strategic Group to address race equality and service discrimination issues.
4. Implement all the recommendations made by the Equal Opportunities Committee in Parliament in 2001 including the promotion of a national model tenancy agreement.
5. Examine the utilisation and effectiveness of the Scottish Government grants to refurbish sites by Local Authorities, highlighting any barriers to improving standards of living and working towards a universal standard of traveller sites in Scotland.

FOR THE SCOTTISH HOUSING REGULATOR:

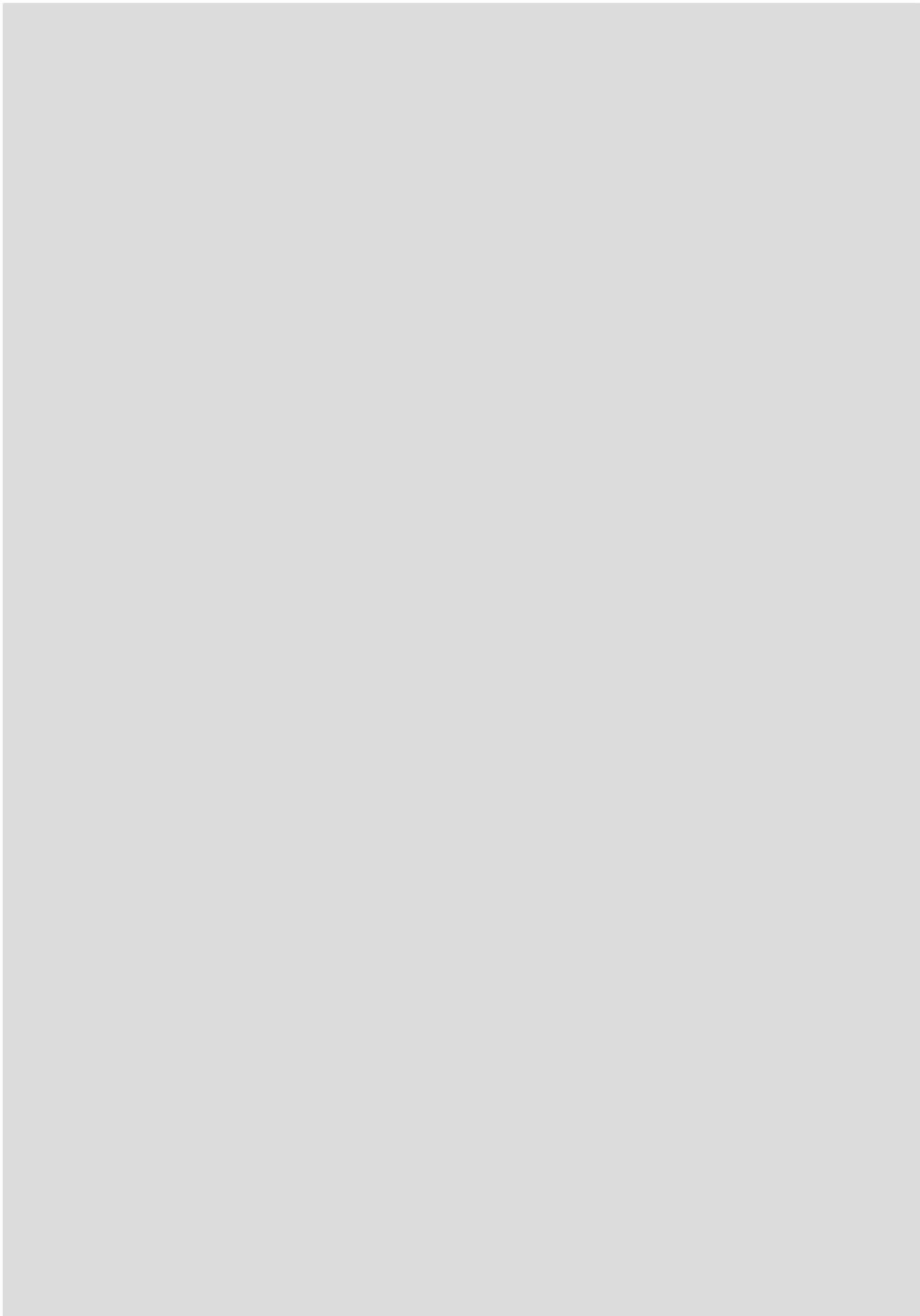
6. Complete its support of local authorities to produce accommodation needs assessments for Scottish Gypsy Travellers for use in local housing strategies.
7. Carry out an inspection and regulatory function in order to address the shortfall in quality and good value accommodation according to Gypsy Travellers' cultural needs.

FOR LOCAL AUTHORITIES:

8. Conduct Gypsy/Traveller accommodation needs assessments as part of their preparation of Local Housing Strategies.
9. Develop strategies for managing unauthorised encampments and consult local Gypsies/Travellers on these.
10. Expand the number of pitches to cope with demand for such sites.
11. Implement all duties required in relation to equalities legislation, including the gender equality duty, to reduce discrimination against Scottish Gypsy Travellers. These should include promoting good relations between the community and the settled community, and addressing the needs of particular vulnerable members within Scottish Gypsy Traveller communities themselves.
12. Consider signing a service level agreement with an independent organisation that can bridge the gap between the local authority and Scottish Gypsy Travellers.

ENDNOTES

- 1 On investigation, we found that no copy of this was available on the Scottish Government's website, in spite of reference to it, so tenancy agreements used at local authority permanent sites were analysed using a list of criteria developed by Amnesty. Some of this criteria was drawn from an accommodation needs assessment conducted in Edinburgh, the Lothians, and the Scottish Borders (D Lomax, Lloyd M., Sosenko, L. and Clark, C. December 2007 'Accommodation Needs of Gypsy Travellers in East Lothian, Midlothian, City of Edinburgh and the Scottish Borders: Final Report' pp. 24-29).
- 2 Brown, Niner and Lomax 2010 'Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in Scotland: Final Report', Edinburgh: EHRC Scotland. Available from: http://www.equalityhumanrights.com/uploaded_files/Scotland/Research/gt_final_report.pdf
- 3 Scottish Government (2010) *Gypsies/Travellers in Scotland: The Twice Yearly Count - No. 16: July 2009*. Available from: <http://www.scotland.gov.uk/Publications/2010/08/18105029/0>
- 4 Article 12 research (available from <http://www.article12.org/pdf/GYPSY%20TRAVELLER%20NUMBERS%20IN%20THE%20UK.pdf>) notes that 'According to The Gypsy Media Company – <http://www.englishunlimited.co.uk/GMC/> –, owned and run by Romani journalist Jake Bowers, there are approximately 300,000 Gypsy/Travellers in Britain today. Indeed, the report 'Common Ground' (2006) - http://83.137.212.42/sitearchive/cre/pubs/cat_gandt.html -, for the Commission for Racial Equality - <http://83.137.212.42/sitearchive/cre/index.html> - estimates this number to be between 200,000 and 300,000." A Scottish population extraction of this would equate to c.20,000 which is the figure commonly used by the Scottish Gypsy Traveller community. The EHRC estimated it to be 15,000 in their 2010 report 'Gypsy Travellers in Scotland: a Resource for the Media', available from: <http://www.equalityhumanrights.com/scotland/scottish-news/gypsy-travellers-in-scotland-a-resource-for-the-media/>
- 5 *Equal Opportunities Committee First Report 2001 Inquiry into Gypsy Travellers and Public Sector Policies* (June 2001). From here, all the recommendations referred to are taken from the same report <http://archive.scottish.parliament.uk/business/committees/historic/equal/reports-01/eor01-01-vol01-01.htm>
- 6 The distinction - and misnomer - has been discussed previously (see Lomax et al. 2007).
- 7 These were Angus, West Lothian, West Dunbartonshire, Dundee City, Highland, Perth and Kinross, Glasgow City, Renfrewshire and Stirling Councils.
- 8 Brown, Niner and Lomax 2010 'Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in Scotland: Final Report', Edinburgh: EHRC Scotland. Available from: http://www.equalityhumanrights.com/uploaded_files/Scotland/Research/gt_final_report.pdf
- 9 For example, Morris, R. and L. Clements (2002) *At What Cost? The Economics of Gypsy and Traveller Encampments* Bristol: Policy Press.
- 10 School of the Built Environment, Herriot Watt University, 2003 'An Assessment of Housing Needs/Aspirations of Gypsies/ Travellers in Tayside', p. 58.
- 11 Craigforth Consultancy and Research 2009 'Accommodation needs Assessment of Gypsies/Travellers in Grampian, 2008-09: Full report'. Available from: <http://committees.aberdeencity.gov.uk/mgConvert2PDF.aspx?ID=2330>
- 12 Ibid. p. 94.
- 13 Oral evidence given on 12th May 2005, in 'Equal Opportunities Committee Report (SP Paper 432/ EO/S2/05/R5 / 5th report 2005): Preliminary Findings on Gypsy/ Travellers – review of progress', accessed at http://archive.scottish.parliament.uk/business/committees/equal/reports-05/eor05-05.htm#_ftn21
- 14 Although according to Brown, Niner and Lomax's (2010) survey of Local Authorities, only 17 Local Authorities had completed accommodation needs assessments available at the time of research.
- 15 Communities Scotland, 2002, 'Thematic Regulation Study: Services for Gypsies/Travellers - Summary Report' Edinburgh, the Scottish Executive.
- 16 Communities Scotland, May 2006 'Services for Gypsies/Travellers a follow-up study 2005/06' http://www.comunitiesscotland.gov.uk/stellent/groups/public/documents/webpages/shr_servicesforgy_ia4964ee37-1.pdf
- 17 http://www.comunitiesscotland.gov.uk/stellent/groups/public/documents/webpages/shr_as6.1sitesforgypsies_trave.hcsp
- 18 <http://www.scotland.gov.uk/Publications/2007/11/13153139/0>
- 19 One Council provided a significant amount of information about the equality needs and circumstances within its co-operation policy. However, none of this information was contained within its Equality and Diversity Scheme, wherein actions and outcomes could be planned for.
- 20 See point 68, accessed at http://archive.scottish.parliament.uk/business/committees/equal/reports-05/eor05-05.htm#_ftn21
- 21 ODS 2010: Available at: http://www.equalityhumanrights.com/uploaded_files/Scotland/Counting_The_Cost/counting_the_cost_-_word.doc
- 22 The new public sector equality duty of the Equality Act (2010) came into force in April 2011, and its third aim regulates public sector organisations to 'foster good relations between people who share a protected characteristic and those who do not'.



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