

Sue Bruce
Chief Executive
Aberdeen City Council
Town House
Broad Street
Aberdeen, AB10 1FY

7th June 2010

Re. Aberdeen City Council service provision for Scottish Gypsies/Travellers

Dear Ms Bruce,

I am writing with regard to Amnesty International's concerns over the situation for Gypsy/Traveller communities in Scotland. We are aware of a broad body of evidence that these groups suffer from widespread discrimination and have trouble accessing basic services that settled communities take for granted. I would like to raise several issues regarding the performance of Aberdeen City Council in this area.

The situation for Scottish Gypsy/Travellers raises fundamental human rights concerns – particularly the rights to health, education, housing and cultural life and the requirement to be free from discrimination in the realisation of these rights.¹

A report by the Equal Opportunities Committee of the Scottish Parliament is still the most comprehensive discussion of the situation for Gypsies and Travellers in Scotland.² You may be aware that Amnesty International has recently conducted research focussing on the practices of Scottish local authorities with regard to some of the recommendations of that report. We are now engaging with each authority over their performance and, depending on response, will look to repeat the research in a year's time to monitor progress.

Our research raises numerous concerns over service delivery in this area and a widespread failure to deliver on the recommendations in the report. With regard to Aberdeen City Council we would like to raise the following concerns:

- Lack of employment of a dedicated Gypsy/Traveller Liaison Officer, with a separate role to that of the Site Manager.

¹ From Universal Declaration of Human Rights –
<http://www.un.org/en/documents/udhr/index.shtml>

² *Equal Opportunities Committee First Report 2001 Inquiry into Gypsy Travellers and Public Sector Policies* (June 2001)
<http://www.scottish.parliament.uk/business/committees/historic/equal/reports-01/eor01-01-vol01-02.htm#9>

- The tenancy agreement for Clinterty Site needs to be reviewed in consultation with local Gypsies/Travellers.
- While Aberdeen City Council has considered the information and recommendations provided by the Craigforth Grampian Region research it commissioned, recommendations made therein now need to be put into practice.
- Within Local Housing Strategies and their annual reviews, past actions should be independently assessed for success, and future targets should also be reviewed.
- A response to the apparent need for transit pitches in the Council area should be considered urgent.
- Aberdeen City Council considers Scottish Gypsy/Travellers within its Single Equality Scheme (SES). We look forward to seeing a deeper consideration of a wide range of needs within the next SES.
- The issues considered within the document on 'Gypsy Travellers' that the council sent to us should also be raised within the next SES, with clear targets and review dates set in place on any future actions.

The difficulties experienced by Scottish Gypsy/Travellers are well documented and concrete action to improve the situation is long overdue. I look forward to hearing from you in response to the points I have outlined above.

Yours sincerely,

John Watson
Programme Director, Scotland
Amnesty International

CC.
Elected members of Aberdeen City Council
Selected local media

Enc.
Background note on situation for Gypsies/Travellers in Scotland
Background note on performance of Aberdeen City Council

Discrimination against Gypsies and Travellers in Scotland

A report by the Equal Opportunities Committee of the Scottish Parliament is still the most comprehensive discussion of the situation for Gypsies and Travellers in Scotland. Published in 2001, it identified widespread discrimination against Scottish Gypsy/Travellers and contained a series of recommendations, including on housing, education and health. The Scottish Government produced an updated response, referring to all of the recommendations, in 2004.

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 [sic] stand out as a section of the community that receives particular levels of discrimination and negative treatment."

A research review published by the Equalities and Human Rights Commission in 2009³ provides evidence relating to the situation for Gypsy/Travellers around Great Britain. Findings of this report include:

- Gypsy/Traveller communities in Great Britain experience wide-ranging inequalities
- Scottish Gypsy/Travellers had been largely ignored in official policy and statistical analysis. The bi-annual count showed that the number of sites is decreasing and the count does not take into account those living in bricks and mortar housing. Scottish Gypsy/Travellers are rarely included in community planning/household growth surveys.
- The 2005 "review of progress" concluded that the majority of recommendations from the 2001 Equal Opportunities Committee report had not been implemented and that very little progress had been made in the four intervening years.

Studies completed since then serve to underline these inequalities and the levels of discrimination faced by Scottish Gypsy/Travellers:

- A 2006 study of homelessness and ethnic minority communities in Scotland found that two projects working with Scottish Gypsies/Travellers felt that the acceptability of racial hostility against their client group was higher than that affecting other ethnic minority groups, refugees or asylum-seekers. The experience of hostility was confirmed in interviews with Scottish Gypsies/Travellers, when it emerged that the choice of whether to live in housing or on sites was significantly affected by their perceived safety from harassment.
- In Scotland it has been estimated that only 20% of Gypsy/Traveller children of secondary age attend school regularly, and this may be lower in more remote areas.

Bullying of children, both psychological and physical, is widely reported. Many Scottish Gypsy/Traveller parents consider schools unsafe for their children in view of

³ "Inequalities Experienced by Gypsy and Traveller Communities"
http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf

the racism and name-calling they experience, and this can lead to supporting children's self-exclusion. Anti-bullying programmes in schools appear to do little to change these experiences for Scottish Gypsy/Traveller children.

The latest review of the UK by the UN's Committee on Economic Social and Cultural Rights⁴ noted that "The Committee is concerned about the shortage of adequate stopping sites for Roma/Gypsies and Irish Travellers" and "recommends that the State party ensure the provision of sufficient, adequate and secure stopping sites".

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

- "Evidently discriminatory attitudes towards Gypsies/Travellers are widely held in Scottish society".

- 37% of respondents would be 'unhappy/very unhappy' 'if close relative formed a long-term relationship with a Gypsy or Traveller, while 31% 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% of those who say 'Scotland should get rid of all kinds of prejudice' (65% of sample) remain unhappy about a relative forming a long-term relationship with a Scottish Gypsy/Traveller.

- "Only a handful of people (4%) think that a black or Asian person would be unsuitable to be a primary school teacher, 15% think this of a Muslim and 21% say the same of a gay man or lesbian. Three in ten (30%) express unease about a transsexual person holding such a position while as many as half say that a Gypsy or Traveller, a person who sometimes experiences depression and a person aged over 70 would be unsuitable."

Local authorities play a major role in delivering services for Scottish Gypsy/Travellers, and Amnesty International has recently conducted its own research into the performance of Scottish local authorities with regard to the recommendations of the 2001 Equal Opportunities Committee report and associated Scottish Government guidance.

⁴ 'Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant: Concluding observations of the Committee on Economic, Social and Cultural Rights - United Kingdom of Great Britain and Northern Ireland, the Crown Dependencies and the Overseas Dependent Territories', retrieved from <http://www.universalhumanrightsindex.org/hrsearch/displayDocumentVersions.do;jsessionid=7E4EBD23F3ECA4D2D97A0760ED2812B1?docId=1545&lang=en>

Gypsies and Travellers in Scotland – Performance of Aberdeen City Council

Below is Amnesty International's assessment of Aberdeen City Council's performance with regard to the information that we requested under the Freedom of Information Request Act (2002) in December 2009.

1. The role of Gypsy Traveller Liaison Officer within the authority, along with their prescribed duties.

This was in recognition of Recommendations 8 and 32, and also 7 of the 'Equal Opportunities Committee Inquiry into Gypsy Travellers and Public Services 2001'⁵, outlined below:

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'

Recommendation 7

'A review should be undertaken by local authorities and the Executive Agency of the key role of site managers in providing support and information services for site residents, including job description, person specification, recruitment and training.'

Aberdeen City Council responded to Amnesty's information request by explaining that there is no dedicated Gypsy/Traveller Liaison Officer (GTLO), and the roles of a GTLO are subsumed within those of the manager of the official site.

Amnesty does not consider a site manager to be a dedicated GTLO even if that person has advisory/ liaison duties; the roles of site manager and GTLO are clearly separated within the EOC guidance, as may be seen above. Please consider the separation of the two roles so that the GTLO might be freer to engage with Gypsies/Travellers residing at other sites, in housing, and at roadside camps; and to work with the council on implementing planning and policy. This work is important and should not be impeded by day-to day site management responsibilities.

2. Use by the authority of the "Model Tenancy Agreement" developed by the former Advisory Committee on Scotland's Travelling People.

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://www.scottish.parliament.uk/business/committees/historic/equal/reports-01/eor01-01-vol01-02.htm#9>

Using the same document as above,

Recommendation 6 includes:

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

Amnesty International is aware that such a Model Tenancy Agreement is no longer available from the Scottish Government's website. However, we were able to note a number of good practice guidelines that Councils can conform to. For instance, issues to be considered when drafting a tenancy agreement for Scottish Gypsy/Travellers include:

Security of Tenure

Consultation regarding change to tenancy agreements

A clear complaints procedure

Equal rights and duties of both parties set out in a clear manner

Availability of legal advice from outside of the council

Availability of the tenancy agreement in accessible formats (for example, in audio format for people with limited literacy or visual impairment).

Aberdeen City Council operates a weekly let and the Missive of Lease that was sent to us does not comply with these points. First, there is an imbalance of regulation of the person/ pitch, without setting out properly the rights and responsibilities of each party. Further, there is no evidence of security of tenure, no complaints procedure and no details of organizations that tenants might approach if they would like advice on their rights from outwith Aberdeen City Council.

Amnesty International urges Aberdeen City Council to undertake a review of the Missive of Lease for the official site, in consultation with local Scottish Gypsies/Travellers, and to put in place a Model Tenancy Agreement through this process. A Scottish Model Tenancy Agreement that includes specific site management issues may be one alternative offered during the consultation.

3. The circumstances and needs of Gypsy Travellers within the authority's local housing strategy.

Recommendation 4 includes

'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

'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'.

Amnesty were pleased to see that Aberdeen City Council commissioned research into the circumstances and accommodation needs of the local Scottish Gypsy/Traveller population, and that it has since taken note of Craigforth's Grampian study and its recommendations within the document entitled 'Gypsy Travellers'.⁶

In order to fully plan for this group, updates should not merely report successes, but should also recognise where further actions can or should be taken. An update (2008) of Aberdeen City Council's most recent Local Housing Strategy (LHS) only contained the successes in response to the objectives set out in the 2006-2011 LHS. There had only been two objectives of conducting an accommodation needs assessment and of establishing a GTLO. For an update document to be useful to the broader LHS, it should contain more information than this, and as a working/ planning document, we expect to see further actions recommended and planned for here. For example, the most recent update on the work of the LHS might contain some details about the application for funding, identification of land and consultation for a transit site within the boundaries of the city, as Aberdeen City Council follow up on the recently published recommendations of the Craigforth research it commissioned.

We would like to see Aberdeen City Council go further and make the information / recommendations and the Council's response to this needs assessment part of the next LHS, with clear deadlines on such issues as applications for funds for transit sites, and a consideration on how to properly meet the needs of those Gypsies/Travellers staying at private sites and in bricks and mortar housing. Aberdeen City Council might also consider reviewing rent and service charges within this planning process, so that they fall in line with those for Council housing.

Planning for the local and transient Scottish Gypsy/Traveller populations should be detailed and consider a broad range of issues, and targets should be specific and time-bound.

4. The circumstances and needs of Scottish Gypsy/Travellers within the authority's Race Equality Scheme (RES).

Recommendation 3

'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*

⁶ Sent to Amnesty International's Scotland office by Aberdeen City Council as part of its FOI submission response in January 2009.

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

'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'

Aberdeen City Council's current RES was accessed on the website and shows that some consideration has been given to Scottish Gypsy/ Travellers. Amnesty found that some of these were in fact vague. For example, supporting the GTEIP in its own provision of services is a good example of community partnership. However, as section 6.6.5 concerns 'Arrangements to Secure Access to Services', we would expect to see further discussion of the Council's own activities to promote access to Council services such as Health, Education and Housing.

Aberdeen City Council sent Amnesty a document that is to inform the next Single Equalities Scheme (SES). We are pleased that Aberdeen City Council recognises that Scotland's Gypsy/Traveller population are vulnerable to harassment and discrimination. We are aware that the next SES has not yet been published. We look forward to seeing more detailed planning in this document that reflects the recommendations within the guidance.

Whilst some work has been done by Aberdeen City Council to support partnership working, for example, working closely with GTEIP and the STEP, there is much work to be done to ensure that proactive work inclusive of the local Gypsy/ Traveller population continues and is updated once the SES has been published. Again, Amnesty would like to see a broad consideration of equalities issues of concern to Scottish Gypsy/ Travellers, according to recommendations 3 and 12, and that proactive targets are set with a recognition of a department or person (e.g. a dedicated GTLO) completing these.

We recognise that some improvements have been made in some of the above areas. However, research continuously throws light on shortfalls and, as seen above, there are areas in which Aberdeen City Council is integral to improving lives and livelihoods for Scotland's Gypsy/Travellers. Please make every effort to improve Aberdeen City Council's record of human rights delivery to Scottish Gypsy/Travellers. We look forward to seeing the improvements following our recommendations when we return to this research in one year's time.