

A Big or Divided Society?

Interim Recommendations and Report of the Panel Review into the Impact of the Localism Bill and Coalition Government Policy on Gypsies and Travellers

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THE AIMS OF THE PANEL REVIEW

Len Smith (cited in Crawley, 2004), a Gypsy campaigner for Traveller Law Reform, stated that the provision of more sites presented a 'win-win' situation for Gypsies and Travellers and the wider community. According to Smith, authorised sites would allow Gypsies and Travellers to access services and become part of and contribute more effectively towards communities in which they resided. Furthermore, the wider community would be spared the inconvenience and cost of unauthorised developments and encampments, thus strengthening community cohesion and the inclusion of Gypsies and Travellers into communities.

Such sentiments are neither novel nor radical. A survey of numerous statements by a wide range of politicians and stakeholders demonstrates that these views are increasingly held across the spectrum of mainstream national political thought, despite persistent resistance to this approach at a local level. However, the huge challenge is to find a strategy that can deliver the sites needed and which has broad political and public support. It is often at the local level where consensus and support for site provision has been derailed. Thus 'localism', which seeks to empower neighbourhoods and communities in the planning process and is one of the guiding principles of Coalition Government policy, may present challenges to site delivery. Alternatively, opportunities for greater local dialogue and development of local community groups (which are facets of localism) may also present opportunities.

The Travellers Aid Trust (TAT) secured funding to establish a panel to evaluate the impact of the Localism Bill and other policies that affect Gypsies and Travellers and to produce a report to determine means by which Government proposals can be strengthened and made more effective in terms of site delivery and social inclusion.

The convened panel was composed of a range of politicians from the main political parties and a number of established academics and legal experts. The panel heard evidence from a wide range of stakeholders including local government, other service providers, the police and of course Gypsies and Travellers.

Theme and Date	Panel	Witnesses
<p>Accommodation Planning and Enforcement</p> <p>Thursday 3rd February</p> <p>Room 3A House of Lords, Westminster</p>	<p>Dr Jo Richardson (De Montfort University)</p> <p>Rory Stewart MP Conservative</p> <p>Lord Avebury Liberal Democrat</p> <p>Lord Boswell Conservative</p> <p>David Joyce (Barrister at Law)</p> <p>Professor Acton OBE</p> <p>Dr Andrew Ryder Budapest (CUP) University</p>	<p>Sir Brian Briscoe (former chair Task Group on Site Provision and Enforcement for Gypsies & Travellers)</p> <p>Cllr Richard Bennett (Local Government Association)</p> <p>Steve Staines (Traveller Law Reform Project)</p> <p>Frieda Schicker & Helena Kiely (London Gypsy & Traveller Unit)</p> <p>Chris Johnson (Community Law Partnership) & Marc Willers (barrister)</p> <p>Assistant Chief Constable Janette McCormick & Inspector Mark Watson (ACPO)</p> <p>Annette Warren & Bill Forrester (NAGTO)</p> <p>Siobhan Spencer MBE, Sally Woodbury & Roger Yarwood (National Federation of Gypsy Liaison Groups)</p> <p>Joanna & David Price, Tom McCready (Gypsies)</p> <p>Tony Thomson & Abbie Kirkby – new Travellers (CLT)</p> <p>Candy Sheridan & Joe Jones (The Gypsy Council)</p>
<p>Health, Children, Welfare and Education issues related to accommodation</p> <p>Friday 4th February</p> <p>1 Abbey Gardens, House of Lords, Westminster</p>	<p>Dr Margaret Greenfields (Bucks New University)</p> <p>Dr. Sarah Cemlyn (Bristol University)</p> <p>Baroness Whitaker Labour</p> <p>Dr David Smith</p> <p>Lord Avebury</p> <p>Dr Patrice Van Cleemput University of Sheffield</p>	<p>Sir Al Aynsley-Green (Former Children’s Commissioner) Emeritus Professor UCL</p> <p>Matthew Brindley (Irish Traveller Movement in Britain)</p> <p>Chris Whitwell (Friends Families and Travellers)</p> <p>Bridget McCarthy – Irish Traveller</p> <p>Linda Lewins (METAS Bucks), Kath Cresswell (Bolton TES), Brian Foster (ITMB), Lucy Becket (TLRP)</p> <p>Debbie Harvey (Children's Society Children's Gypsy & Traveller Children’s Project)</p> <p>Simon Rushton – new Traveller</p> <p>Rev. Redding (The Church Action Network for Gypsies and Travellers) Father Jo Brown (The Catholic Irish Traveller Chaplaincy)</p> <p>Cllr Frank Thomas & Chris Borg (National Association of Local Councils)</p> <p>Dada Felja & Professor T. Acton (Roma Support Group)</p>

Written submissions were also received from the Department for Communities and Local Government, Gloria Buckley MBE and Sylvie Parkes (a former Traveller Education Teacher with special experience of working with show families) and a number of health workers. In addition, a number of participants who gave oral evidence presented further written submissions.

This interim report represents a series of interim recommendations on the following themes:

- Site Delivery
- Empowerment and Localism
- Community Cohesion and Fairness
- Social Inclusion

A preliminary discussion paper (January, 2011) sets out the logic and justification for locating evidence into these four topic areas as well as background information on these issues. A copy of the discussion paper (Panel Review Discussion Paper) can be downloaded at the following website address:

<http://www.travellersaidtrust.org/panel-review/>

This interim report contains a number of recommendations and a summary of the main points raised by the panel participants. This interim set of recommendations was produced at the request of officers of the All Party Parliamentary Group for Traveller Law Reform who felt that a briefing was required at the earliest opportunity to inform their contributions to the various stages of the Localism Bill which is currently progressing through Parliament.

As this report is merely at an interim stage, much of the discussion must be treated as a provisional draft and we would ask participants to emphasise this fact whenever they might make reference to it. The Panel Review collected a great deal of data and further dialogue and analysis is ongoing as views and opinions on this interim version are

collected. It is envisaged that a more detailed and finalized version of this report will be ready in May 2011.

INTERIM RECOMMENDATIONS

Site Delivery

The Government should:

1. Deliver a robust National Planning Framework for Gypsies and Travellers to spur site development
2. Devise Local and Regional Site provision targets to be timetabled to avoid delay in the delivery of sites
3. Establish a Gypsy and Traveller Unit in Communities and Local Government with sufficient resources and personnel to provide support and guidance to councils.
4. Establish an independent body/bodies to monitor and benchmark needs assessments and site delivery and in the wake of the Localism Bill, monitor the fate of Gypsy Roma Traveller planning applications over the UK as a whole.
5. Ensure the Homes and Communities Agency Site Grant should be comparable or greater than previously
6. Promote greater levels of resources and guidance on the development of Community Land Trusts
7. Establish a sustainable and high quality network of transit sites and stopping places
8. Ensure that the Communities and Local Government Task Group continue to be invited to provide a biannual review of progress
9. Should follow the recommendation by the Task Group, and continue to provide an annual update to Parliament on the progress achieved in site delivery

10. Give serious consideration to the promotion of sub-regional planning with statutory powers and a clear statutory duty on local authorities to provide sites or facilitate sites.
11. Issue guidance to accompany the 'duty to cooperate' on how local authorities can work together to provide sites.

Empowerment and Localism

The Government should:

1. Prioritize capacity building for community groups and residents groups through the mechanism of medium and long term funding, in particular in Big Society funding and support schemes
2. Encourage Planning Aid to continue to extend its work on Gypsies and Travellers in partnership with community groups
3. Develop flexible consultation at a local level and resources for local forums to receive training on the Equality Act and race and diversity.
4. Develop a greater range of partnerships with service providers and community groups to strengthen cohesion and community voice
5. Ensure the police (specifically diversity officers) and Gypsy and Traveller Liaison Officers work to assist consultations ensuring that they are balanced and inclusive.

Community Cohesion and Fairness

The Government should:

1. Give careful consideration to the provision of guidance and regulations on referenda to ensure that ethnic minorities and in particular Gypsies and Travellers are not adversely affected by the presence of racist stereotyping and

pre-conceptions which can drive public calls for a referendum on any particular issue.

2. Encourage political, media and faith group leadership to take the lead in setting a more tolerant and responsible level of debate on the issue of site provision and community relations.
3. Actively endorse and promote Gypsy Roma Traveler History Month and explore means to help the month continue to develop in terms of brokering resources and organisational support even if additional funds are not forthcoming.
4. Regard increased site provision as not only facilitating the social inclusion of Gypsies and Travellers but as the key driver which can reduce the need for enforcement action and ultimately improve community relations.

Social Inclusion

The Government should:

1. In partnership with local authorities as a matter of policy (and ring-fenced funding) ensure the preservation of the Traveller Education Service network. Through improved funding, guidance and OFSTED inspection procedures, it should be ensured that schools continue to work to raise the educational inclusion of Gypsies Roma and Travellers in partnership with Traveller Education Services.

Preserve the Education Maintenance grant or provide a substitute grant for post-sixteen-year-olds which gives meaningful help to young people in limited financial circumstances.

2. Issue strong guidance to ensure that Gypsies Roma and Travelers are identified as priority groups in education to be helped by the pupil premium

3. Note the concerns raised in the report about the treatment of Gypsy Roma Traveller children in relation to the UNCRC and investigate claims that the 'Every Child Matters' agenda is disintegrating
4. Monitor the impact of health reforms and ensure social inclusion boards have a strong Gypsy Roma Traveller focus. A continued emphasis is required on promoting and resourcing the application of good practice in health care initiatives identified through Pacesetters.
5. Issue specific guidance on the application of the Equality Act for Gypsies Roma and Travellers which should be vigorously promoted by the EHRC.
6. Ensure the 'Big Society' programme acts to protect the existing number of Gypsy Roma Traveller community groups and ensure that good practice and experience in these groups is used to develop a wider network of third sector agencies working with these communities.
7. Ensure that the Department for Work and Pensions and Job Centres should classify Gypsies Roma and Travellers as ethnic groups and not as disadvantaged groups.
8. Provide greater business support and assistance to Gypsy Roma Traveller entrepreneurialism and employment practices.

COALITION GOVERNMENT POLICY ON GYPSIES AND TRAVELLERS

Before detailing Coalition Government policy, it is necessary to overview the existing policy framework which the Coalition Government is seeking to repeal.

In 2004 the Labour Government concluded that Department of the Environment (DoE) Circular 1/94 was not addressing the growing shortage of Gypsy and Traveller sites. The shortage of sites was deemed to have stemmed from the repeal of the 1968 Caravan Sites Act by the Criminal Justice and Public Order Act 1994. The 1968 Act, which had placed a duty on certain local authorities to provide sites and had in turn created a network of 350 local authority Traveller sites, was repealed by the Criminal Justice and Public Order Act. In its place, DoE Circular 1/94 was introduced in which local authorities were encouraged but not obliged to assist Gypsies and Travellers to develop sites.

In 2003 the Labour Government initiated a policy review on Gypsy and Traveller site provision which culminated in the Office of the Deputy Prime Minister (ODPM) Circular 1/2006. This placed an obligation on local authorities to carry out a Gypsy Traveller Accommodation Needs Assessment which would identify the need for sites and feed into regional targets Regional Spatial Strategies (now known as Regional Strategies *following the Local Democracy, Economic Development and Construction Act 2009 which changed the name to Regional Strategies*). Where local authorities failed in their new responsibilities, the Secretary of State had powers of direction.

In the two years prior to the introduction of Circular 01/06 on 2nd February 2006, 68% of appeals relating to Gypsy and Traveller sites were dismissed. In the following two years, 65% of appeals were granted planning permission (CLG, 2009, 4). Despite some modest progress it has been estimated that at the current rate of pitch provision it will

take local authorities 18 years to meet the targets specified in relation to permanent pitch requirements set for a 5 year period (Brown and Niner, 2009).

Prior to the General Election of 2010, both the Conservatives and Liberal Democrats pledged, in their manifestos, to abolish Regional Strategies. The Conservatives issued their Green Paper entitled 'Open Source Planning' which committed the Conservatives, to:

- Create a new criminal offence of intentional trespass, as already in place in the Republic of Ireland
- Curtail the ability to apply for retrospective planning permission
- Scrap regional targets and replace guidance and circulars on this issue
- Give tougher 'stop notice' enforcement powers to local authorities with authorised sites, and support central funding for local authorities to build authorised sites.
- Replace the Human Rights Act (HRA) with a British Bill of Rights (Open Source Planning, 2010, 17).

Following the 2010 election and the emergence of a hung parliament, the Conservatives and Liberal Democrats formed a Coalition Government. A joint plan of governmental policy and action was set out in the document 'The Coalition: our programme for government'. Of relevance to the planning framework and Gypsies and Travellers the report states:

"The Government believes that it is time for a fundamental shift of power from Westminster to people. We will promote decentralisation and democratic engagement, and we will end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals" (Cabinet Office, 2010, 11).

The Coalition Plan includes a commitment to *"rapidly abolish Regional Spatial Strategies and return decision-making powers on housing and planning to local councils, including giving councils new powers to stop 'garden grabbing'. In the longer*

term, we will radically reform the planning system to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live, based on the principles set out in the Conservative Party publication Open Source Planning” (Cabinet Office, 2010, 11).

In July 2010, Eric Pickles, the Secretary of State at CLG, announced that he was using his power under section 79(6) of the Local Democracy, Economic Development and Construction Act 2009 to revoke Regional Strategies in order “*to put greater power in the hands of local people rather than regional bodies*” (Johnson and Willers, 2010).

However, this ruling was overturned by a court case involving Cala Homes. Cala Homes (a large housebuilder) had submitted a planning application to build 2000 residential properties on land they owned near Winchester. The South East Regional Strategy indicated that there was a need for 5,500 additional dwellings in the area that included the land owned by Cala Homes. However, Winchester City Council refused Cala Homes planning application on account of the fact that the Secretary of State intended to revoke Regional Strategies (Johnson and Willers, 2010).

According to the ruling of the presiding judge in the case, Mr Justice Sales, the Secretary of State Eric Pickles had wrongly revoked regional planning powers through discretionary powers (*Cala Homes v SSCLG, 2010*).). The CLG Chief Planner has since written to local authorities to inform them that RSS remain a material consideration but that the government intends to abolish them through the Localism Bill (CLG, November 10th, 2010). This has led to a further judicial review challenge by Cala Homes.

In December 2010 the Localism Bill was published. Of particular relevance to Gypsies and Travellers are proposals to:

- Abolish RS targets and hence regional targets for Gypsy and Traveller sites
- Restrict and further penalise unauthorised developments
- Introduce a New Homes Bonus

- Create a 'bottom up' planning process where neighbourhoods have greater say in planning processes.
- Create Local Enterprise Partnerships
- Promote the 'Big Society' and new powers, roles and ownership of assets for community groups
- A duty on local authorities to 'cooperate'

THE PANEL REVIEW

Site Delivery

One fifth of the caravan dwelling Gypsy and Traveller population do not have an authorized place to live, occupying unauthorized developments or encampments (Cemlyn et al, 2010). It has been estimated that only one square mile of land is needed to address the present shortfall of approximately 5000 pitches (EHRC, 2009).

Prejudice and a policy vacuum and inertia have been the chief contributors to a national shortage of sites. The European Court of Human Rights have stated that Article 8 of the European Convention (the right to respect for private and family life and home) enshrines within it an obligation to facilitate the Gypsy Roma Traveller way of life (Buckley V UK 1996, Chapman V UK 2001, Connors V UK 2004) stipulating that providing access to appropriate accommodation was part of this ruling. Given that the shortfall of sites has only been reduced by a fraction since these judgments were made, it can be argued that successive governments have failed to rectify this failure in any meaningful way.

How will the Government policy framework deliver more sites and therefore address the national shortage?

The Government View Presented to the Panel

The Government is committed to encouraging sustainable development and it remains very important that local authorities continue to plan for the future of their communities.

Government will strengthen the role of elected councils in planning for the provision of sites by abolishing Regional Strategies and the top-down pitch targets they contain. Local authorities will be fully responsible for determining the right level of site provision in their area. The Government will also withdraw Circular 01/2006 (*Planning for Gypsy and Traveller Caravan Sites*) and Circular 04/2007 (*Planning for Travelling Showpeople*) and replace them with a new short-light touch policy. Concern over the circulars and perceptions of unfairness have resulted in community tensions that have made settled communities less likely to want to accept

development. The details of the Government's proposed new policy will be set out in a full public consultation, which will be published shortly. The Government's fair deal for travellers and the settled community will help to improve community relations. As a result it will be more likely that communities will accept the provision of sites where they are needed.

Instead of imposing top down regional targets on communities, the Government will offer councils real incentives through the New Homes Bonus so communities can see benefits from providing sites where they are needed. In addition, the Homes and Communities Agency will again offer grant funding to local authorities to assist them with the cost of public pitch provision.

The Coalition Government is committed to abolishing the regional strategies which had set regional targets for site provision with 'last resort' central powers of direction where councils failed to meet identified objectives (Clause 89 Localism Bill). Sir Brian Briscoe (Chair of the Communities and Local Government Task Group on this issue) stated in his submission to the panel that the Task Group had noted with satisfaction in 2009 that there had been a slight reduction in unauthorised sites (21 % as opposed to 26% in 2006). Although the Task Group felt the right policies were in place, it was believed that greater urgency and vigour was needed in the pace of site delivery.

Sir Brian welcomed the Government's approach of returning greater power to Local Government noting this was something that went against a trend of centralization of Local Government by successive governments over the previous thirty years. Given the nature and scale of the implied change, it could not be certain that Local Government would be able to rise to the challenge. Sir Brian noted that in the past and in many areas councils had acted decisively on the issue and contributed to the network of 350 sites created by the Caravan Sites Act 1968.

A number of panelists felt site provision had come to a standstill. In some cases this was attributable to the lack of detailed policy proposals whilst the new planning circular was being developed. However, a central point of explanation was that there was a reluctance by councils to act on this issue. Steve Staines of the Traveller Law Reform Project reported that in a survey of 34 councils (excluding London) there was an indication of a 360 pitch loss in comparison to targets that had been set by Regional

Assemblies. Where councils were proceeding with some site development it was overwhelmingly based on figures established by the Gypsy and Traveller Accommodation Needs Assessments (GTANA) which in many cases identified lower need than that set by regional assemblies. In a survey of the East, South East and South West of England, the Irish Traveller Movement in Britain found a significant drop in planned site provision when compared to targets set under the previous spatial strategy.

Further evidence of a reluctance by public bodies to tackle the under-provision of sites was presented to the panel by Frieda Schicker of the London Gypsy Traveller Unit (LGTU). She noted that the London Mayor had revised the site targets for London as established in the London GTANA from approximately 800 to 200 pitches. Finally, the Mayor, despite readily accepting and seeking strategic powers related to wider accommodation issues, had decided that the Mayor's office should not have a strategic remit on the issue of site provision and matters should rest with individual boroughs. Helena Kiely of the LGTU was concerned that boroughs in London had done nothing to increase site provision since the duty to provide sites had been removed in 1994. In fact, provision in London had dropped as a number of councils sold off sites for regeneration projects.

Chris Johnson of the Community Law Partnership noted that the Department of the Environment Planning Circular 1/94 had allowed councils to set the pitch numbers they needed through their own estimations and local knowledge but without any statutory obligation or the threat of intervention where they failed. It was deemed that such a policy regime had dramatically failed given that site provision nationally came to a virtual standstill and was the key factor contributing to the present shortfall. Johnson was fearful that the Coalition Government's proposals could signal a return to such an approach. Johnson has informed the Panel Review in a written note *"Many campaigners and policy workers have suggested that one solution would be the return of some form of duty to provide sites, along the lines of the duty originally contained in the Caravan Sites Act 1968, which duty ensured that the current total of about 350 local authority Gypsy/Traveller sites in England came into being. It has also been pointed out*

that such a duty would, in effect, be a form of 'localism' since it would be for local housing authorities to ensure that sites and pitches were provided. Moreover such a duty would actually reduce expenditure by local authorities because it would reduce or cut out altogether the need for evictions of unauthorised encampments and enforcement action against unauthorised developments".

Marc Willers (barrister and planning expert) felt that it was important that the new 'light touch' planning circular should retain the best features of circular 1/2006 and not repeat past mistakes contained in the planning regime prior to this circular..

Cllr Richard Bennett (former chair of the Local Government Association working group on Gypsies and Travellers) felt that 'localism' was not what some people feared *"Turning to localism I think the general public are going to find that localism isn't everything they thought it was going to be. And I in my own district have already been saying to people localism is about making hard decisions. It's about saying where you want development to take place in the future, and which areas do you want to be preserved in aspic It's not about saying we don't want that here".* Core Strategies would still need to be in place and a national planning framework would provide some direction and identification of objectives.

Cllr Bennett noted that in some areas positive relations had been forged between councils and Gypsy and Traveller communities and that it was possible for conflict as well as retrospective planning applications and unauthorized developments to be avoided. The notable example was Conservative controlled Fenland Council where, through good channels of communication and dialogue, Gypsies and Travellers were encouraged to approach the council before they submitted a planning application or moved onto land and applied for retrospective planning permission.

Trust was identified as a key factor in creating a state of affairs such as exists in Fenland. Panel members and witnesses indicated that more often than not that mistrust characterized relations overall between Gypsies and Travellers and councils. Roger Yarwood (a Chartered Town Planner, member of the Royal Town Planning Institute who has held senior positions in Local Government for over 40 years, working for

National Park, City Council, County Council and District Council Authorities, culminating in the position of Head of Planning Services at Derbyshire Dales District Council and who now works with Derbyshire Gypsy Liaison Group) noted that many councils sought to frustrate legitimate site developments through the unfair use of supplementary planning guidance, local criteria and highways regulations which often discriminated against Gypsies and Travellers. Yarwood informed the Panel *“Planning Authorities are already adept at framing policies that make the provision of Gypsy sites difficult. As I mentioned earlier, I have been involved in numerous consultations on Local Development Frameworks and I attend many enquiries to offer evidence. In that work, I am constantly trying to introduce some realism into planning policies to ensure that those policies will actually result in the delivery of Gypsy sites. It’s an uphill struggle and if it were not for the vigilance and overriding control of Planning Inspectors, and the necessity to comply with the guidance set out in ODPM Circular 01/2006, many local authorities would produce policy documents which would make Gypsy and Traveller site provision almost impossible. Both these safeguards are now under threat.”*

It was argued that experiences such as these accounted for Gypsies and Travellers having little trust or confidence in councils and contributed to the occurrence of retrospective planning applications.

The Gypsy Traveller Experience

Tom McCready is a Romany Gypsy whose family has lived in Derbyshire for generations. Tom had grown tired of the constant movement of living on the side of the road and resolved for the sake of his children and their future education to develop a permanent site. In his first attempt Tom approached his local council but once a piece of land had been identified the local population expressed strong opposition to the development and the council’s support faltered. Thus the application was not able to proceed. When Tom initiated a planning application for the second time he did so retrospectively after he had moved on the land, a decision prompted by his first experience of trying to develop a site.

Tom found that the council was initially strongly opposed to his application. Tom noted *“...that attitude relaxed when the attitude of the local people relaxed. And at the end of the third temporary permission I went and applied again for a permanent permission and there was one person protesting who it turns out is a member of the BNP.... And a lot of people supported me, a lot of people said we’d like Mr McCready to stay. So now after 10 years, I got a*

permanent planning permission. I've got a lot of friends in the village, my children have received an education in the village, medical help, I'm paying the taxes, my children two of them are working now and paying the taxes. So it's a success story. But at the cost of 10 years of mental anguish to my wife and I. If I had not been able to make a retrospective application, had the inspector not been able to say you have a duty towards the family, that wouldn't have happened, and it would've been an entirely different story"

Such was the disillusionment with the planning system that the Gypsy Council favored handing over responsibility for planning decisions to an autonomous body independent of councils which would deal with this issue more objectively and decisively. Chris Johnson of the Community Law Partnership argued that there was some merit in dealing with the issue at a strategic level as was the case with infrastructure projects. Greater strategic prompts in the form (for example) of a statutory duty to provide sites could exist to spur site delivery. Rory Stewart MP was concerned that special mechanisms for site delivery that did not play a role in housing provision were perceived by the wider public to be unfair and that maybe the best approach was to argue that site provision met cultural and social rights as part of a rights agenda. However, Johnson asserted that special measures were required because of the high levels of prejudice that could at times be virulent and highly irrational which could thwart site development. Siobhan Spencer MBE of the National Federation of Gypsy Liaison Groups felt that where there was 'positive action' or special measures featured in delivery mechanisms for sites, it was in recognition that there was a serious inequality and the community needed 'a leg up' to address the acute shortfall following years of inaction. The barrister David Joyce also noted that it was difficult to draw parallels between site provision and housing as unlike with housing, there was no real market mechanism to deliver sites in the numbers required and at a competitive price which was comparable to the housing market. Hence the chances of securing a site were greatly restricted.

Lord Avebury felt that whatever delivery mechanism for sites is eventually reached, it would be useful if some form of central monitoring was undertaken of sites developed and rejected across the planning system. It was noted that such databases were being

kept by the National Federation of Gypsy Liaison Groups and Traveller Law Reform Project but proper funding and support was needed to continue this process. However, it has been noted that central monitoring of planning processes will be weakened by the Localism Bill. The ITMB has noted “*Clause 91, 92 and 93 (Localism Bill) state that Local Planning Authorities (LPA’S) will no longer be required to submit their local development schemes to the Secretary of State (91), that LPA’s will no longer have to implement inspectors’ recommendations (92) and that LPA’s will no longer be required to send their annual reports to the Secretary of State. There is a significant danger that without a degree of oversight from the Secretary of State and inspectors many local authorities will disregard the accommodation needs of Gypsies and Travellers*” (ITMB Submission to the Public Bill Committee, February 2011).

Sub-regional Planning

Will Local Enterprise Partnerships form part of a sub-regional planning strategy with statutory powers?

The Government View Presented to the Panel

As the Government does not intend to define Local Enterprise Partnerships in legislation, it is more likely that any strategic planning function would initially be on an informal basis; this would allow partnerships to develop their planning role over time as their ambitions deepen and capacities become clearer.

Steve Staines of the TLRP noted that regional strategies had played an important role in benching marking GTANA and had provided more realistic estimates as to site need than those which resulted from underassessment or altering of initial figures by some councils. The Unpublished Panel Report which would have been made to the South East of England Regional Assembly (SEERA) could have recommended a pitch target which was approximately 1000 pitches greater than the figure compiled by individual GTANA. Bill Forrester of NAGTO also felt that the consultation process had been more ‘bottom up’ than ‘top down’ as a range of stakeholders had been involved in consultations and councils had reached targets amongst themselves through discussion

and negotiation. It was also noted that given the mobile nature of some sections of Gypsy and Traveller communities, a sub-regional strategic approach could make sense. Andrew Ryder (panel review researcher) commented that such strategies were supported with statutory powers and thus a greater degree of compulsion could be brought to bear as had been the case in the past where some councils refused to contribute to site provision. Ryder noted that past inaction had caused tensions between councils as some argued they were offering accommodation to Gypsies and Travellers from neighbouring authorities where no efforts had been made to conform to the 1968 Caravan Sites Act.

A number of witnesses therefore expressed a desire to see some type of sub-regional planning with the government's proposed Local Enterprise Partnerships (LEPs), which are to have a planning remit, being the vehicle through which a sub-regional approach could be delivered. However, as Sir Brian Briscoe and the above statement of current government policy makes clear, the membership of LEPs will be elective and not uniform across the country. It is therefore unclear whether to what extent they will have statutory powers. NAGTO commented in writing on a possible absence of sub-regional planning *"Our regret is that, unless some form of sub-regional working can be devised successfully, then it will be much more difficult to pursue redistribution of pitch numbers, even though these would not only lead to fairer distributions in future, but wider geographical availability of site accommodation"*.

Lord Boswell contemplated whether peer pressure amongst councils could be the driving force that could persuade reluctant councils to make a contribution to site provision. It was felt that one mechanism that could strengthen such coordination was the Government's proposed 'Duty to Cooperate' amongst councils (Clause 90 of the Localism Bill). Clear guidance on this duty with regards to Gypsy and Traveller site provision could be useful.

Finance

Can the Government outline how the HCA sites grant and New Homes Bonus will be used to spur site development?
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The Government View Presented to the Panel

The New Homes Bonus 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. Rather than meeting targets, local authorities will instead have real incentives to provide traveller sites and communities will see the benefits of development.

Grant funding for new local authority funded sites will focus on new pitch provision and value for money. The grant will be administered by the Homes and Communities Agency which will make payment on delivery, so that local authorities will have an incentive to keep down costs. We will make an announcement on grant funding shortly.

The New Homes Bonus proposal failed to attract much confidence from a number of participants who indicated that it provided an insufficient incentive to spur site provision. Cllr Candy Sheridan of the Gypsy Council felt that such was the reluctance of many authorities to provide sites that the sum offered by the New Homes Bonus would not tip the balance. The panel was informed that the Homes and Communities Agency grant for site development would be resumed. It was noted by Frieda Schicker of the LGTU that in the past when grants were used for refurbishment the number of pitches had actually been reduced as a result of refurbishment. Although the total of the site provision grant had not yet been announced it was hoped that the sum might be greater than that which existed hitherto given the longstanding shortfall, the level of unmet need and fact that the Coalition Government had endorsed the Conservative's 'Open Source' planning document which had pledged greater spending in this area.

A Traveller Site manager Gloria Buckley MBE informed the panel (through written submission) that there should be greater opportunity for shared ownership sites, developed jointly between local authorities or housing associations and Gypsies and Travellers, with the Gypsy/Traveller eventually being able to buy the whole site.

Community Land Trusts

Community Land Trusts (CLTs) are locally-based not-for-profit organisations that own land and property in trust for the benefit of a defined community. A Community Land

Trust is a legal entity, like a Company or a Co-operative, which holds assets, such as land, for a group of people. The Trust exists independently of its members and its assets cannot be sold on for profit but are held, in perpetuity, to preserve their use for a specific purpose (TAT Discussion Paper, 2011).

How will the Government support and develop Community Land Trusts and borrowing/mortgage and financial packages to enable families to secure credit to buy and develop sites?

The Government View Presented to the Panel

The Government wants to see more sites being developed privately and through innovative funding models like Community Land Trusts not least because they offer the potential for better value for money. The Homes and Communities Agency is working to support and develop these ideas where it can.

Local authorities are already developing innovative ideas of their own. South Somerset District Council, for example, has been exploring, in consultation with local travellers, ideas such as site acquisition funds; loans for private site provision through Community Development Financial Institutions and joint ventures with members of the Gypsy and Traveller community.

The Ministerial Working Group is looking at ways in which access to financial services and products for Gypsies and Travellers can be improved.

Abbie Kirkby of the Sussex Community Land Trust told the panel how this newly formed body was trying to identify councils and land owners in Sussex interested in Community Land Trust (CLTs) developments. It was felt that CLTs provide a culturally appropriate model for site development given that many Gypsies and Travellers preferred to be accommodated with people from their existing social and kin networks. A CLT created a mechanism for formalizing such networks and also provides a unit which could also secure credit to develop sites and affordable accommodation. One stumbling block, according to Abbie, was the lack of support and guidance currently available on this issue. However, the Sussex CLT has joined the Community Land Trust Network and it was hoped that this body and others (e.g the Co-op movement) could support CLT initiatives for Gypsies and Travellers. Tony Thomson has also taken an active interest in CLTs but felt at the moment a complex and legalistic situation had to be grappled with in

the process of establishing CLTs which could present barriers for some Gypsies and Travellers. Abbie reported that this process would become easier once a number had been established which could provide models for good practice and feed into a CLT toolkit. It was noted that talks were at an advanced stage in Mendip about the establishment of a CLT. Cllr Candy Sheridan hoped that the CLT model might provide a means by which ownership and management of failing local authority sites could pass into the hands of the community and residents themselves.

Nomadism

Does the Government envisage changes in guidance for managing unauthorised encampments?

The Government View Presented to the Panel

The Government is concentrating on measures to help councils tackle the development of sites without planning permission and on supporting travellers who live on authorised sites. The number of caravans on unauthorised developments has gone up since 1997 and this is causing increasing community tensions. The number of caravans on unauthorised encampments (on land not owned by travellers) by contrast, has been going down.

Tony Thomson (a longstanding advocate of 'greenlanes sites') reported to the panel "*It is from within the context of the loss of traditional sites that the current crisis of accommodation can best be understood*" Thomson noted that there had been a dramatic decrease in traditional stopping places as a result of development projects for the wider community and 'bundling', closing and obstructing of access to traditional stopping places. This had pushed unauthorised encampments into locations that were not suitable for Gypsies and Travellers themselves and in addition had greatly curtailed nomadic traditions. Tony felt that community tensions around unauthorised encampments could be reduced and a revival in nomadic traditions and commons rights institutions could come about if there was a sustained effort to restore access to traditional stopping places in a cost effective and socially integrated way. These views are elaborated on the following website: www.albionwayfarer.com

The Panel heard a number of distressing cases involving unauthorized encampments where residents, especially children, could be at great risk from traffic on roadside encampments and where access to services was non-existent or negligible. It was hoped that the Government would continue to promote existing guidance on unauthorized encampments which encouraged the 'toleration' of suitable locations where alternative provision did not exist and residents had pressing welfare needs such as children requiring access to education or sick or pregnant site residents.

Empowerment and Localism

A key feature of the Localism Bill is to give local communities greater power. For example, as set out in proposals for neighbourhood planning (Clause 96 Localism Bill). Many felt this was a laudable concept but one which in practice could hold significant dangers for vulnerable groups such as Gypsies and Travellers.

How will the Government ensure that localism and 'bottom up' planning and neighbourhood forums give Gypsy/Roma/Traveller groups fair treatment? How will Gypsy/Roma/Traveller groups be supported to input into planning processes?

The Government View Presented to the Panel

Localism and neighbourhood planning will provide people, including travellers, with the opportunity to get involved; to take control of shaping the places that they live in; and to make a real difference to the quality of their local area. Neighbourhood planning will allow people to take genuine responsibility for the places that they live in.

Neighbourhood development plans will have to demonstrate an appropriate fit with national policy; be in general conformity with the strategic policies of the development plan for the local area and be compatible with human rights obligations.

A number of witnesses were deeply concerned that parish councils or neighbourhood forums will frustrate Traveller site developments as such bodies had in the past often been the most vociferous in opposition to site provision. Sally Woodbury of the National Federation of Gypsy Liaison Groups felt more localism would equate with more opposition to sites. Roger Yarwood Planning consultant with the Derbyshire Gypsy

Liaison Group informed the panel *“I must concede that I am not a fan of localism as applied to the planning control and planning policy. I am sure that most experienced planners would agree with me, that the decision making process can become very erratic if the decision making body is very local, as it often leads to decisions based on personalities and prejudices instead of the actual impact of the development”*.

The Gypsy Traveller Experience

Joe Jones, a Romany Gypsy and chair of the Gypsy Council, informed the panel that ‘localism’ for him and his family meant high levels of local opposition to his family’s site development. Over a period of ten years, local opposition which had continued even after he had secured planning permission. One local community group and a single ‘interested party’ had had their legal challenges to the initial application and appeal against the successful grant of planning permission funded by donations and personal contributions from local people and businesses. This long and protracted battle had drained Mr Jones financially, caused serious health problems which resulted in a heart bypass operation and created intense strains within the family. Joe was deeply fearful of the implications of localism for Gypsies and Travellers as a result of this experience.

A more optimistic view came from panel member Professor Thomas Acton who believed that the engagement that localism would initiate would present an opportunity to sell the case for sites and win the argument within local communities. Acton was encouraged by the fact that in his hometown of Brentwood, a local Gypsy Traveller support group had been successful in influencing local opinion to the extent that in a recent consultation, a majority of respondents had supported the need for more sites despite the opposition of the council. Other witnesses and panel members were more sceptical. Steve Staines of the TLRP noted that existing Gypsy and Traveller groups had struggled to input into the consultations involved in the previous regional strategies and would find it virtually impossible to feed into the much greater number of consultations that localism would spawn- a problem which was compounded by the lack of support that Planning Aid provide to Gypsies and Travellers across the country.

ACPO (Association of Chief Police Officers) and NAGTO (National Association of Gypsy Traveller Liaison Officers) felt that the police and Gypsy Traveller Liaison Officers would have an important role to play in these local consultations, helping to

bring Gypsies and Travellers and representatives of neighbourhood planning forums or parish councils together in meaningful and balanced dialogue. However, NAGTO noted with some concern that with local government cutbacks, the number of Gypsy Traveller Liaison Officers are likely to be reduced. Cllr Frank Thomas of the National Association of Local Councils felt that such consultations may need to be flexible and culturally sensitive to the needs of Gypsies and Travellers. He noted that a consultation using standard approaches in his parish had failed to generate input from local Gypsies and Travellers, whereas a visit to the local Traveller site by local officials including senior officers such as the Chair of Planning would be more effective.

It was also noted that effective consultations could be costly and that sufficient resources would need to be made available to ensure that not only were proper consultations organized but money was spent on developing local Gypsy and Traveller community groups. Chris Whitwell reported that Friends Families and Travellers had been funded by Communities and Local Government to involve Gypsies and Travellers in community forums. He noted however that in order to reduce incidents of racism and maximize the success of such involvement, cultural and diversity training was needed in such forums. The Panel was also informed by witnesses (including NALC) that parish councils and neighbourhood forums would need greater training in the relevance of the Equality Act but agencies that might be expected to support such a process like Race Equality Councils and the Equality and Human Rights Commission were also being downsized as a result of central Government spending reductions which had implications for the community cohesion agenda.

It was felt that one means to facilitate Gypsy and Traveller input into consultations and local decision making was by promoting residents' groups on Traveller sites.

Residents Groups

The Government View Presented to the Panel

Travellers who play by the rules and live on authorised local authority sites will also gain improved protection against eviction when the Mobile Homes Act is applied to their sites. Those who live according to the terms of their agreement will have a stable home and the benefit of other rights and responsibilities already available to residents of other mobile home sites.

Gypsies and Travellers were promised additional rights as outlined in the government response above following the European Court of Human Rights judgment on the Connors case in 2004. The UK Government finally indicated its intention to honour its pledge to the ECHR to address the discriminatory and unequal nature of tenancy rights for Gypsies and Travellers by announcing in 2007 that it would address the issue in the Housing and Regeneration Bill by bringing local authority Gypsy and Traveller sites within the scope of the Mobile Homes Act 1983 (Johnson et al, 2010). . This provision is finally being brought into force on April 30th 2011

At present, only a handful of residents groups exist on the network of 320 local authority sites. Kath Cresswell of Bolton Traveller Education Service informed the panel that it had taken five years and a great deal of time and resources to develop a residents group on a site. Kath referred to the necessity of building up trust over time with Gypsy and Traveller residents, in order to help groups to form and added that this would be difficult without trusted services like Traveller Education Services. It was felt that the establishment of such groups was essential to help create the foundations of a national network of groups that can input into local decision making processes as well as helping residents understand their new rights and responsibilities. In addition it was reported they were needed to ensure effective representation at the envisaged Residential Property Tribunals that are mandated to deal with disputes or grievance hearings resulting from the Mobile Homes Act 1983 as residents will be unable to secure legal aid for legal representations but at which councils will be able to call upon their own in-house legal teams(though the majority of possession actions will still be dealt with by the county court where legal aid will be available). Thus without effective tenant representation the balance of power will be skewed significantly against a tenant who is in dispute with the local authority.

How does the Government envisage the Big Society, mutualism and social enterprise playing a role in developing Gypsy/Roma/Traveller community groups and increasing social inclusion?

The Government View Presented to the Panel

Gypsy, Roma and Traveller groups may find that involvement with, or setting themselves up as, mutuals and social enterprises will help them to develop further and achieve their goals. However, this is not the only way in which community groups can develop and influence. Gypsies, Roma and Travellers often form just a small part of a local community and their views may have been overlooked in the past. However the Big Society offers an equal chance for everyone in society to take part in shaping their community and to be seen to be doing so.

Community tensions can often be based on irrational feelings of unfamiliarity and mistrust, but there is no reason for Gypsies, Roma and Travellers to stand back from the Big Society ethos of social participation and contribution, they are members of society like anyone else. By working alongside their neighbours on issues of common interest there is an opportunity for breaking down artificial barriers for the benefit of everyone.

We will look to community groups to tell us how we can provide the back-up to unblock obstacles and help them to achieve their goals. We are already working with Gypsy and Traveller community groups through the Ministerial Working Group to share ideas for community action to tackle the poor social, health and educational outcomes faced by Gypsies and Travellers. We will go on to look at ways in which these solutions can be shared.

Gloria Buckley stated in her submission to the panel *"I don't know what 'Big Society' is. If, as has been suggested, it is local communities, neighbourhoods and families looking after each other, then Gypsies and Travellers have always been members of a Big Society; it has been the only one we could rely on"*. However, despite this endorsement in a formally constituted and organized sense, the Gypsy and Traveller community could be regarded as weak and lacking in adequate social and cultural capital to participate fully in the Big Society Agenda.

The Panel was informed that only twenty one Gypsy and Traveller community associations are on the charities register and that large areas of the country have no type of grassroots organization in existence. This acute underrepresentation of this sector of society in the form of community groups coupled with the fact that there are only believed to be four Councillors of Gypsy and Traveller heritage means that there are few champions of Gypsy and Traveller interests who can play an active part in the Big Society. Chris Whitwell of Friends Families and Travellers felt that community groups were hindered in their development by the precarious funding situation which

exists for charities at present compounded by short term funding which makes it difficult to nurture and develop staff teams. Funding from Communities and Local Government and Capacity Builders will shortly come to an end for a number of community groups and there was a great deal of anxiety as to whether other funding would be available. This could stall new and exciting developments such as the large increase in staff from the Gypsy and Traveller community now working in community projects, a factor identified in a recent report on Travellers' Economic Inclusion (Ryder and Greenfields, ITMB 2010). Friends Families and Travellers also informed the panel that effective partnerships had been forged between the community groups that do exist and a range of service providers to produce culturally sensitive and targeted services to Gypsy and Traveller clients which also empowered and provided invaluable work experience for community members. Simon Rushton a new Traveller and researcher noted that there was often a clash of cultures between bureaucrats and Gypsies and Travellers but that Gypsy Roma Traveller community groups could play an important role in bridging that divide.

What Government consultation and dialogue has taken place and will take place with Gypsy/Roma/Traveller communities?

The Government View Presented to the Panel

Andrew Stunell MP (Under Secretary of State Communities and Local Government) visited South Somerset District Council in January to view some of the traveller sites provided by the local authority, to learn about some of their innovative site provision models and to meet some of the travellers living on both public and private sites in the district.

Gypsy and Traveller representative groups are consulted regularly on matters both formally and informally; for example, with officials from a number of Government Departments in respect of the Ministerial Working Group on Gypsy and Traveller Inequality. Officials leading on changes to planning policy for traveller sites have been holding a series of meetings with groups representing traveller communities as part of an informal consultation process ahead of the formal Consultation on the withdrawal and replacement of Circular 01/2006 and Circular 04/2007.

Regular informal discussions take place on policy developments which are likely to affect these communities. Officials from DCLG have attended a number of conferences and events run by representative groups, to discuss issues relating to the Big Society and civic participation

It is to be welcomed that the Government is to maintain a number of long running or more recently formed forums that have involved Gypsy and Traveller activists over the years. One commentator noted that the test of how effective this dialogue was, would be the degree to which the Government took on board criticisms and concerns from Gypsies and Travellers about the Localism Bill and repeal of Circular 1/2006.

Community Cohesion and Fairness

The issue of Traveller site development and provision has been one which in the past has severely tested community cohesion. Strong perceptions of unfairness on the part of Gypsies and Travellers and the wider community were contributing to intense polarization and discord.

Enforcement

The National Association of Gypsy Traveller Officers commented that members of the public often perceived the system as being unfair when after the planning process had failed, Gypsies and Travellers failed to vacate land. A common charge from protestors amongst the settled community is that housed (non Gypsy Traveller people) could not develop a home in the way that Gypsies and Travellers appear to do with seeming impunity and that if they sought a retrospective planning application in the same way they would fail. Simultaneously, Gypsies and Travellers often report feeling that the system discriminates against them through a vacuum in effective delivery mechanisms but also perceived manipulation of planning rules by unsympathetic councils as outlined by Joe Jones of the Gypsy Council. Joe Jones noted that a perception that sometimes prompted local opposition was the belief that a Traveller site would lead to greater levels of anti social behaviour. Yet it was the nature of local opposition to site development that constituted anti social behaviour. A number of witnesses informed the panel of the highly discriminatory written and oral comments that were made about Gypsies and Travellers in planning consultations and public meetings.

The Gypsy Traveller Experience

Joanna and David Price live on an unauthorized development which is a single family plot, they could see no other way in which they could get a site for themselves. At first there was huge opposition to the site and dealing with the planning system was extremely difficult and stressful as both of them could read and write but had little formal education. Joanna informed the panel:

"..there was a lot of people who I think was afraid of us. But now they've got to know us a bit. we've got a lot of friends in the village. I have 44 letters of support, people has been coming down from the village knocking on the door asking us do they want us to come and speak for us, and I've got 123 signatures saying that they support us. We just want, all what the Romany people want to be signed onto a doctor, to have education for the children with a lot of us our age group we want Just a little bit of help for the future, that's all we're asking for. I know that the government is making a lot of cuts and I do understand that. But if the council it passed the land there's a lot of Romany Gypsies, who'd pay to develop it itself and then it wouldn't cost the government anything"

However, the council still opposed the application and it failed in the planning process. The stress and anxiety of the case had placed a huge strain on the family.

Joe Jones said that the discrimination of the settled community had, as a young man, filled him with anger and turned him against the wider community leading to juvenile delinquency. Joe reported that all his life he had heard the argument "You can't build a site here! This is not the right place!" but no one ever said where the right place was.

Hence, the present state of affairs is one that has engendered community discord and division. The Government has argued that it will seek to create greater fairness in the planning system by increasing enforcement against unauthorized developments. It is understood that the government is concerned about delays in respect of the enforcement of planning control and that it seeks to ensure that those seeking retrospective planning permission for unauthorised development do not have the opportunity to delay enforcement by running concurrent or indeed consecutive planning and enforcement notice appeals.

It is intended (Localism Bill Clauses 103 -4) that a new 70C be inserted into the Town and Country Planning Act 1990 (TCPA) giving Local Planning Authorities (LPA) the power to decline to determine planning applications if the grant of planning permission would involve granting (*whether in relation to the whole or any part of the land to which an enforcement notice relates*) planning permission in respect of the whole or any part of the matters specified in the enforcement notice (EN) as constituting a breach of planning control.

It is also intended that s174 TCPA be amended by the insertion of a new s174(2A) and (2B) which states that:

'(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if -

(a) the land to which the enforcement notice relates is in England, and

(b) the enforcement notice was issued at a time -

(i) after the making of a related application for planning permission, but

(ii) before the end of the period applicable under section 78(2) in the case of that application.'

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control'.

According to legal advice that the Panel Review has received from legal experts Johnson and Willers, these proposals would have unintended consequences. The Proposals would mean that a council could receive a retrospective application from a Gypsy and:

- then issue an enforcement notice,
- then use s70C to decline to determine the retrospective application because there is an enforcement notice that has been issued to which the application relates - albeit not one which is yet effective (ENs specify a date on which they will take effect if no appeal is made against them - ENs become effective on that

date unless an appeal is made - in which case they will only become effective if the appeal is dismissed)

According to Johnson and Willers the problem in those circumstances for a Gypsy would be that s174(2A) would also preclude him or her from appealing against the EN on the planning merits - s/he would be limited to an appeal on the technical grounds set out in s174(2)(b-f) or an appeal in which all that is sought is an extension of time for compliance under s174(2)(g).

It may be that some LPAs will decide not to use their powers or will fail to do so within 8 weeks - but Johnson and Willers claim experience suggests that enforcement powers will be used enthusiastically by LPAs in Gypsy and Traveller cases! It is possible that where no enforcement action has been taken before a site is developed, Gypsies and Travellers could not make a planning application and then appeal against any EN that is issued. The proposed amendments to the TCPA 1990 will not debar a ground (a) appeal in such circumstances.

However according to Johnson and Willers, that will not be possible in many cases because LPAs often don't bother issuing ENs. Instead, when tackling unauthorised developments LPAs simply apply for an injunction under s187B TCPA 1990. In most cases the best way of defending such a claim is for the Gypsies and Travellers concerned to show that they have sought planning permission and that their planning application has a realistic chance of success. Given the proposed amendments, such a course may not be open to a family – save perhaps with the agreement of the LPA that it will not exercise its new powers.

Johnson and Willers argue that if the proposed legislation is passed without amendment then in order to defend a claim for an injunction the Gypsies and Travellers concerned may have to try and persuade the Court that the LPA should serve an EN before seeking an injunction – giving them the opportunity to appeal and have their case determined on the merits under ground (a). However, there would be absolutely no guarantee that such an argument would be successful and, in the event that the Court

was persuaded by such an argument, then it would lead to yet further delay – which must be contrary to the government’s stated aim.

Johnson and Willers state that it would be more difficult to argue with the proposed legislation if it simply meant that a retrospective application could be prohibited if it would mean that the development would breach an extant EN (i.e. an EN which had been tested on appeal or not appealed) – although even then there may be cases where the planning merits should be reconsidered; e.g. a new family moving on to a site which has been subject to an EN (ENs run with the land) may have good grounds for planning permission because they have a much stronger case or are able to rely upon a new policy not in force at the time when the EN was upheld on appeal.

Johnson and Willers state *“If the proposed legislation is passed without amendment then we consider it likely that it will give rise to confusion, yet more contentious litigation and the possibility of a challenge to its compatibility with the European Convention on Human Rights”*.

Johnson and Willers are proposing that the draft section 70C be amended so that it only gives LPAs the power to decline to determine planning applications if the grant of planning permission would involve granting (*whether in relation to the whole or any part of the land to which an enforcement notice relates*) planning permission in respect of the whole or any part of the matters specified in the EN as constituting a breach of planning control in circumstances where the EN has come into effect.

In the alternative framed by Johnson and Willers, the new section could simply be reworded to state:

A local planning authority in England may decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which an enforcement notice that has taken effect no more than three years previously relates, planning permission in respect of the whole or any part of the matters

Concerns were also expressed about the fact that more enforcement was being introduced against Gypsies and Travellers whilst equal enforcement did not exist for councils that did not fulfill their requirements. It was noted that one lever on councils was that where they failed to meet assessed need it could be a material consideration in the planning process. However, Willers felt that a danger existed that the legal system (specifically judgments) balanced against cost and emotional strain on families of planning appeals would act as the key driver to site delivery when a simpler and fairer mechanism would be a clear and centrally mandated obligation to deliver sites which might minimize such legal action.

Gloria Buckley reported that she believed that if the Planning Inspectorate becomes aware of a trend or has concerns that reasons for refusal in planning applications are consistently unsound, then the Minister should have powers to require the Planning Authority to submit an improvement plan to the Planning Inspectorate.

As noted by a number of respondents to the panel, unauthorized encampments and their location, the management of such sites and community responses have been factors that have strained community relations. The ACPO written submission to the panel noted a new criminal offence of 'intentional trespass' had been raised in the Conservative Green Paper "Open Source Planning". The current ACPO view is that no new criminal trespass offence is required and it is hoped that the Coalition Government maintains what appears to be its current position in agreeing with that view (Point 18 of ACPO evidence). ACPO notes "*Current legislation affords the police (and local authorities) a range of powers, the use of which is discretionary subject to the range of factors already explained in this document. If trespass were a criminal offence the police would be obliged to investigate the commission of a potential crime and move on people resident at encampments. It is also likely that landowners would seek eviction at the earliest opportunity. In every case the trespassers would have no incentive to leave peacefully and may resort to forming large groups to prevent evictions by a show or - worse still - a use of force*" (Point 20 of ACPO evidence).

In terms of enforcement, a major cause of concern over the years in terms of community relations and welfare has been the use of direct action against unauthorized developments which on several occasions has witnessed large scale evictions. Cllr Candy Sheridan informed the panel that she hoped that a large scale eviction against 90 families at the Dale Farm Traveller site can be avoided as she hoped approval would be given to planning applications on land which the Homes and Communities Agency owned and had suggested was suitable for site development. This would save the huge expense of a forced eviction and enable families to move from Dale Farm to new sites. Sheridan noted however that the council had indicated that its preference was for the families to move to sites outside of the district so could not be sure that the proposal would receive their full support despite the strong economic and humanitarian arguments that could be made for relocating families to alternative sites.

Referenda

Gypsies and Travellers, NAGTO and NALC amongst others expressed concerns about the way in which referenda in the Localism Bill (Localism Bill Clauses 39 – 52) may impact on community relations. There was a fear that referenda could be initiated to express local opposition to policies to deliver sites or a particular development. Gloria Buckley informed the panel *“In my experience a proposal for a Gypsy Site or an affordable housing scheme frequently heralds the appearance of a local “action” group formed with a worthy cause such as “to protect the local environment”. Such groups often without constitution or accountability employ a range of attrition tactics to prevent the proposal. The member of one such group is reported to have said in respect of the proposed referenda “we will be able to vote not to have them in the village”.* Sally Woodburry, a member of the Gypsy community and campaigner for Gypsy Traveller rights felt that local community peer pressure would make people sign petitions and support calls for a referenda and be too frightened to express opposition to such referenda.

Dr Jo Richardson has informed the panel that the impact assessments that Communities and Local Government has undertaken on referenda indicated that there

is no impact on the equality duty or on human rights. There does not appear to have been any investigation of the non monetised costs to society (including Gypsies and Travellers) of having these referenda. Whilst there will be a duty for local authorities to examine whether requests for referenda are 'vexatious', CLG do not appear to have anticipated the risk particular minority groups (not just Gypsies and Travellers but Muslim and other visible faith groups) that could suffer under this proposed new way of 'doing democracy' if objections were raised to a mosque or faith school. However, Marc Willers is of the opinion that referenda if used to block Gypsy site provision will be at odds with equality duties and judgements by the European Court for Human Rights.

A number of participants contemplated whether Gypsies and Travellers and other minority issues could be exempt from referenda and it was felt that if this was not the case then careful guidance and regulations would be needed to protect vulnerable groups. On the wider issue of community relations, the Rev Roger Redding (Chaplain on Gypsies and Travellers to the Bishop of Salisbury) noted that a Church Action Network for Gypsies and Travellers exists which is cross denominational and includes church and faith leaders working with Gypsies and Travellers. In the past, many of the network's members had played an active role in conflict resolution and felt that with referenda and localism the demands made upon faith groups to ensure balanced and fair community debates on site provision would be great. The Rev Redding noted that within the Church of England, there were only two chaplains who have a specific Gypsy and Traveller remit like he had. Father Joe Browne (the Irish Travellers' Catholic Chaplain and also an active member of the network) shared these sentiments and felt giving greater power and say to local people was laudable, but if you empower racists then discord will prevail. Father Browne and the Rev Redding both felt that church groups across denominations and their leadership at the highest level needed to do their utmost to influence public opinion on this issue raising the tone of the debate and making explicit reference to the problems these communities experience.

Size and Numbers

In the past, the size and location of sites have been important factors that have impacted on debates about community relations. Professor Acton noted that messages

coming from the CLG have indicated a preference for small pitch size sites and was concerned that some form of cap may appear on site size which would not be applied to other communities. Assistant Chief Constable Janette McCormick of Cheshire Police felt there was an issue of balance as one would not want to see size and location being factors that led to the ghettoisation and isolation of the community. On the other hand it was useful for sites in terms of size to preserve the support systems contained within their traditional social networks. Lord Avebury noted that large concentrations of Gypsies on housing estates had been found in Kent in the 1950s and 60s and this had been relatively successful in preserving social networks as well as facilitating interaction with the wider community. Frieda Schicker of the LGTU amplified this point by noting that there were cases in London where residents on sites and in housing who lived in close proximity had developed good relationships and together formed identifiable communities who formed friendships, socialized and shared services.

Another point of contention in the past has been the issue of assessing need and this being translated into pitch targets with both the Gypsy and Traveller and wider communities contesting the accuracy of numbers identified and the methodology used. As noted already in a contribution by Steve Staines (TLRP), the figures identified for site needs as well as the quality of the assessment were variable between different councils in regions and that without the benchmarking and revaluation by regional assemblies then the number of pitches identified as being needed will be less than those which were eventually fixed by regional assemblies. Andrew Ryder raised the point of whether more detailed guidance and monitoring of GTANA was needed to ensure greater uniformity. A similar request has been made by Shelter for housing assessments.

Public Awareness and Understanding

In a written submission ACPO noted “*The perception of Gypsies and Travellers and their behaviour by the settled community is often based on stereotypical assumptions - not helped by either national or local media - and is often negative in tone*”. Stereotypical and racist perceptions of Gypsies and Travellers and a failure of local politicians to ‘sell’ the argument for sites and the benefits of adequate provision to ‘settled’ as well as Gypsy and Traveller populations; were identified by a number of

witnesses as factors which impeded site development and initiated community tensions.

Cllr Richard Bennett reported that he and a number of other councillors as well as Gypsy and Traveller activists such as Sally Woodbury, were part of a 'roadshow' which visited councils to raise their awareness on this issue and identify the benefits of producing more sites. He felt more initiatives like this would help the situation. Dr Jo Richardson also raised the importance of encouraging national political and community leaders to raise the profile of this issue in a positive sense which set out the economic, political and moral need for more sites. A number of witnesses noted on the need for a more proactive campaign to educate the wider public on this issue. Cllr Bennett stated *"We equally know that where the sites are not properly provided and therefore the Gypsies and Travellers have nowhere legal to live, this has produced enmity between the settled community who object to the unauthorized encampments. And I think we're still struggling to get across to people this basic truth. That all the time you have 4000 families with nowhere to live, you'll have unauthorised encampments and developments. As night follows day, that will happen. And if we can get the settled community to understand that, and begin to understand the other life chance outcomes which develop intrinsically from that and then present them with the rational case of why we're seeking properly to accommodate every section of society. I think we will begin to break down some of the barriers"*

A number of witnesses commented that after a site was established an act invariably followed by intense local opposition a slow process of interaction occurred with the wider community in which friendships and understanding was nurtured. Tom McCready noted *"It's like throwing a pebble into the pond situation. From my little site, the ripples go out because the people living in my village obviously have friends and relations that live further afield and I know that they talk, people talk and they say well actually we've got a Gypsy living in our village, he doesn't eat the children, he hasn't got two heads. And that's a great help for that to happen, to have interaction. They gain a little bit of understanding....the Derbyshire Gypsy Liaison Group (DGLG) produces a calendar every year and I distribute it to my friends in the village and they become interested and*

a couple of them have attended events and that sort of thing – one of them was a councillor – that sort of thing has an enormous effect, its invaluable that sort of thing. Just a little bit of a good press rather than all this tidal wave of bad press”.

One initiative that was identified by several participants as holding the potential to change stereotypical and negative views on Gypsies, Roma and Travellers was the national Gypsy Roma Traveller History Month initiative.

What support will the Government give to Gypsy Roma Traveller History Month?

The Government View Presented to the Panel

Since June 2008, the Department for Education has provided a total of £356,000 to the National Association of Traveller Teachers and other professionals to manage and co-ordinate GRT History Month projects and events within schools and local communities. This funding was provided to NATT+ and the Travelling communities on the understanding that it would help them to establish regional community networks and build their capacity to self-fund, or to identify alternative funding streams for the initiative in future years.

Whilst the Department has no plans to provide further funding for the GRT History Month, schools and Local Authorities can continue to take an active part in GRTHM events if they wish to do so, in the same way as they take part in Black History Month, which has never received funding from central Government

Representatives from the Advisory Committee for the Education of Romanies and other Travellers (ACERT) and National Association of Teachers of Travellers (NATT) stated that they were unclear as to whether the recently elected Government would even actively endorse and promote the month, regardless of the question of additional funding. It was noted that the Government has argued that Black History Month has not received central government funding. However, local authorities - in particular those with diverse communities - have been generous supporters of that initiative, support which is potentially less likely to be forthcoming for GRHTM given the heightened community stresses between these groups resulting from planning disputes and an associated weaker political and numerical influence within local authorities.

[More Sites](#)

In a written submission to the panel, ACPO declared *“The key issue in respect of unauthorised Gypsy & Traveller encampments is the lack of accommodation for the Travelling community. The shortage of suitable sites for Gypsy and Traveller families to live on and access as they move around the country leads to groups setting up unauthorised encampments (and increasingly unauthorised developments), thus creating the biggest single source of conflict between the Travelling and settled communities”*.

Thus the provision of sites that address the acute national shortfall (as well as ensuring that locations are appropriate and that sites are co-designed by residents to standards that facilitate inclusion and contact with the wider community, are central factors in improving community relations. Cllr Frank Thomas of NALC felt that the perception of many councillors will be that if they identify land and put policies in place to provide and facilitate sites, then they will expect Gypsies and Travellers to work within set frameworks. Whilst the sentiments behind such a statement are completely reasonable a significant challenge exists for the Government to create a fair and balanced system that correctly assesses need and ensures that an effective delivery mechanism is in place to deliver the required sites and overcome potential obstacles, in particular those shaped by prejudice. An unbalanced system which is not explained to all parties and to which it is impossible to create broad ‘buy in’, will flounder and the problems outlined above will continue, to the detriment of all communities. It was also noted in panel discussions that some national politicians did raise the issue of fairness in a way which either gives the impression Gypsies and Travellers are flouting such notions or should receive rights if they ‘play by the rules’ but it was felt such points were based on a superficial understanding of the issues and played upon negative stereotypes.

To create the required awareness and understanding a large scale programme of training and promotion may be needed to accompany policies to deliver the sites that are needed.

The need for commitments and obligations on both sides may be reflected in NAGTO’s proposal to the panel that local agreements are established between local authorities

and Gypsies and Travellers where they agree that they will not move onto land without planning consent at the same time as the local authorities allocate locations where planning consent would be granted.

Social Inclusion

Gypsies, Roma and Travellers remain some of the most excluded groups in society (Cemlyn et. al., 2009). It was therefore felt that the Panel should seek to obtain insights into the impact of Coalition Government policies on the life chances of these minority populations.

Brian Foster of the Inner London Traveller Education Consortium and a Trustee of the Irish Traveller Movement in Britain presented a series of statistics collected by the National Foundation for Educational Research for a longitudinal analysis of GRT children's education and presented to the Department for Education in a report in 2009 *"Improving the Outcomes of Gypsy, Roma and Traveller pupils"*. The findings from this research graphically illustrated the profound levels of educational exclusion suffered by this group (Appendix). Based on research undertaken for the NFER, Foster reported that Gypsy Roma Traveller children made reasonable progress in Key Stages 1 and 2 but tended to be located in low achieving schools. Fifty percent of GRT children were eligible for free school meals and high levels of special educational needs were found amongst the population. Travellers of Irish Heritage and Gypsy and Roma pupils are nearly 3 times more likely than White British pupils to be identified as having special educational needs. Fewer than 10 percent of Gypsy, Roma, Traveller pupils were among the top 50 percent of achievers at Key Stage 4. Earlier DCSF research had also demonstrated that Gypsies/Roma and Irish Travellers had the highest exclusion and absence rates of any other minority in school, and the NFER research reported that many children stated that they felt unwelcome in schools. The NFER research, calculated that the level of secondary school 'drop out' figures for this minority are exceptionally high, as just over 50% of the Year 6 cohort that were tracked throughout

their educational history also appeared in the Year 11 cohort. The research also demonstrated that:

- 20% dropped out between Y6 and Y7, at transfer between Primary and Secondary phases
- Only 37% were present in all 6 annual censuses between 2004 and 2009
- Irish Travellers were most likely to drop out, Roma were least likely
- Gypsy and Irish Traveller boys were more likely to drop out than girls, Roma girls more likely than boys

Matthew Brindley, of the Irish Traveller Movement in Britain, reported that 55 % of the Gypsies and Travellers interviewed for the Traveller Economic Inclusion Project had experienced bullying in school.

In a written submission to the panel, Foster noted with regards to the NFER research: *“In the past we would have expected the DfE to work in partnership with Traveller Education Support Services to make sure that the messages of the research were disseminated to school and local authorities. Unfortunately, the final report is only available online and no press release was issued. The drop out through the secondary phase should be a national concern, but would appear to have been successfully buried”*

How will the Government support educational inclusion?

The Government View Presented to the Panel

The Government believes that for us to thrive - as an economy and a society - every child must have the chance to reach their full potential, regardless of gender, disability, ethnicity or social class. Every one of our policies is driven by this guiding moral purpose.

At present, Gypsy, Roma and Traveller (GRT) pupils are amongst the lowest-achieving pupils at every Key Stage of education, although individual GRT pupils can and do achieve very well. Attainment gaps are a complex issue and the underperformance of specific ethnic groups may be due to a combination of factors, including financial deprivation, low levels of parental literacy

and aspiration for their children's academic achievement, attendance and bullying.

We know that there is a particularly strong link between deprivation and underachievement and in primary schools, 43.2% of all registered GRT pupils are currently eligible for Free School Meals; this figure rises to 45.3% in secondary schools and 57.5% in Special Schools. Those GRT pupils who are eligible for Free School Meals will benefit directly from the new pupil premium, which will provide an additional £430 per pupil from April 2011 to help raise their attainment. They will also qualify for additional support through the £110m Education Endowment Fund, which will fund bold and innovative approaches to raising the attainment of disadvantaged children in underperforming schools.

In the future, we intend to ensure that expectations are the same for all pupils and we are developing an accountability framework in which attainment gaps are rapidly reduced and schools are held accountable for the progress and success of all their pupils. In particular, we are refocusing school inspection around the core areas of achievement, teaching, leadership and behaviour/safety. Within this more streamlined approach, will be a requirement for OFSTED to consider the extent to which the education provided at the school meets the needs of all its pupils. This means considering the data on all groups and individuals (including in relation to attainment, progression, behaviour and attendance), with a particular emphasis on the most vulnerable and disadvantaged groups.

With regard to targeted support for GRT pupils, the Gypsy, Roma and Traveller Achievement Programme, funded by the Department for Education, is running in 48 Local Authorities until the end of March 2011. The programme has enabled us to capture important evidence about how to address issues of underperformance, aspiration and attendance among GRT pupils that can be shared with schools via our website.

The Government has also agreed that the GRT Education Stakeholder Group – established by the previous administration – should continue to meet. Comprised of representatives from all three communities, and chaired by Lord Avebury, the meetings provide a forum where government policy can be explained and DfE officials can listen first hand to the concerns of the community representatives.

Brian Foster, together with Linda Lewins of ACERT, Kath Creswell of NATT and Lucy Beckett of the TLRP (all of whom are current or former senior Traveller Education staff with significant levels of experience) expressed concern that the 'Pupil Premium' payable to schools would be insufficient to appropriately support Gypsy Roma Traveller pupils, particularly in the light of the dramatic decline in TES. They identified that there was insufficient guidance to schools to encourage them to apply the 'Pupil Premium' most effectively to Gypsy Roma Traveller pupils. Concern was also expressed that the national strategies initiative referred to in the CLG response was coming to an end,

which would lead to a loss of funding for a range of special initiatives to support these children. In addition, the loss of 'targeting' of services was felt to be especially detrimental for this group.

Sylvie Parkes, writing on behalf of travelling Showpeople, informed the Panel "*In 2003, the 'E-Learning and Mobility Project' (ELAMP) was launched, funded by the DfES and co-ordinated by NATT+. This was focused on the use of ICT to provide enhanced independent and distance learning support for, primarily, children from the fairgrounds. The main focus of the various developments was the challenge of interrupted learning. The funding for this has now ceased*". Initiatives such as E-Lamp, which had originally supplied laptops to a broad range of low income and nomadic Gypsy and Traveller children to facilitate home and distance learning, were now being restricted to those who had acute special educational needs and who were in receipt of 'statements' which effectively excluded many nomadic children from this provision. The Panel Review was also informed that Target Setting which tried to get local authorities to focus on a group of disadvantaged children like Gypsies Roma and Travellers had also gone. It was also noted that the Educational Maintenance Allowance had been a major inducement for Gypsy Roma and Traveller young people to stay on in education beyond the age of sixteen and that the loss of EMA would offset improvements in further education participation for these groups. Foster concluded "*It is unlikely that the localism agenda, the Big Society (small government), free schools or the pupil premium will safeguard the opportunities of these children*".

The Roma Support Group noted that the Coalition Government's 'The Importance of Teaching' White Paper fails to mention "race" or "equality" and that the needs of some minority groups, such as GRT children, still need to be adequately addressed within the education system. A Race on the Agenda (ROTA) briefing which was drawn to the attention of the panel also noted: "*...we are deeply concerned with the lack of emphasis in the White Paper on race equality and the duties schools should adhere to in relation to the Equality Act 2010. We believe that longstanding disproportionate outcomes in education for some BAME groups will be compounded. Therefore, race*

equality is an exceptional area where central government should continue to play a strong leadership role, given the acute inequalities that persist".

Foster did note that the White Paper stated that schools should be "champions for vulnerable pupils" but there was a need to put more 'flesh on the bones' as to how this was applied to Gypsies Roma and Travellers.

What role will Traveller Education Services play?

The Government View Presented to the Panel

The role of Traveller Education and wider Ethnic Minority Achievement Services will be a matter for Local Authorities and schools to decide. There has never been a statutory requirement for Local Authorities to provide a dedicated Traveller Education Service and, over the course of the last few years, as more and more schools have successfully taken on their own outreach work within these communities; there has been a reduced need for LAs to provide specialised support services.

The Department for Education has provided £208m of Ethnic Minority Achievement Grant funding this year to help schools improve the performance of pupils from underperforming ethnic minority groups, including the Gypsy, Roma and Traveller communities. Schools can choose to use this funding themselves or, if schools forums agree, Local Authorities may retain a part or all of this funding to provide a central Traveller Education or wider Ethnic Minority Achievement Service. We believe that schools and Local Authorities are best placed to decide how support services should be organised in their areas and we are confident that they will make the right decisions as to the most appropriate local provision.

Witnesses who presented evidence to the panel noted that the end of ring fenced funding provided to the Traveller Education Service network had contributed to its erosion before the election, but this process had been accelerated by local authority deficit reduction. Thus leading to TES posts across the network being phased out at a rapid rate, or vacancies left unfilled. When asked about whether these cuts were undergoing impact assessments in relation to the effect on specific minority children, the response given by the Traveller Education Service witnesses was that those responsible for making cuts were often also responsible for commissioning impact assessments. It was also argued that through the merger of Traveller education duties

into a post with a wider education remit it could appear on paper that duties pertaining to supporting GRT children were still being performed. However, for many staff they would represent a fraction of a long list of work duties, and would not receive the same level of attention as they had under specific Traveller education posts.

Linda Lewins noted that Gypsies and Travellers often needed high levels of outreach to help persuade them to attend school, to give guidance and address fears over bullying. The outreach services of TES networks were being severely affected by cutbacks. Commenting on those Gypsy Roma Traveller pupils who had succeeded in the education system Lewins stated “...*those children often had masses of input when they were young and that is the result of it and the big message of the national strategies was that families need to trust schools and that is the biggest issue for the community that we are representing today and that trust takes an inordinate amount of time to build up, you need to work with a family over time until you are accepted into that community and then you are able to do all the work that Traveller Education Services (TES) do and with this abrupt ending of the work of TES’s there is no one able to bridge that gap*”

Brian Foster presented a chart which displayed data from a recent survey of Traveller Education Services undertaken by the National Union of Teachers which demonstrated the rapid loss or restrictions on such services.

The Future of Traveller Education Support in 69 Local Authorities

Unknown	No Cuts	Unfilled Vacancies	Cuts Threatened	Restructure and Cuts	Posts Lost	Significant Staff Loss	Service Threatened	Service Deleted
18 %	13 %	4 %	13 %	12 %	14 %	10 %	6 %	10 %

Foster concludes in a written submission “*It is clear that the future of many services is unsure with most anticipating cuts and some having already received redundancy notices. Without these services to support them the most vulnerable pupils, those who are mobile or disengaged from school, those whose parents are educationally disadvantaged or suffering social, economic and domestic difficulties, will be the ones who will suffer most*”.

Young People

The former children's commissioner Professor Sir Al Aynsley-Green informed the panel that he has taken a close interest in the situation of young Gypsies and Travellers facing uncertain futures, particularly in relation to accommodation insecurity and that he had visited and met with a number of young people in this situation. He stated that his reaction to their plight was despair and deep anger but also through meeting these young people how inspired he was by what they have to say, their heritage their culture and the cohesion of their families.

Debbie Harvey of the Children's Society stated in a written submission "*The lack of safe, secure and suitable accommodation underpins many of the inequalities faced by Gypsy and Traveller children and young people. Many 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*"

Professor Sir Al Aynsley-Green felt that the experiences of many Gypsy Roma Traveller children meant their treatment was in contravention of the UN Convention on the Rights of the Child, a view supported by The Children's Society, who informed the panel that as long ago as 1995, the committee of the UN recommended that pro-active measures were undertaken on the rights of children belonging to Gypsy and Traveller communities. The UN had indicated that measures pertaining to GRT children's right to education were required and a sufficient number of adequately appointed sites for their communities should be secured in Britain. The Children's Society noted that unfortunately these recommendations have never been implemented. Baroness Whitaker, chairing the panel session, concluded that this point and the concerns regarding the welfare of children should be brought to the attention of the Joint Committee on Human Rights, the European Court of Human Rights and the Diocesan Boards of Education alerting them to breaches of the UNCRC.

Gypsy and Traveller Experiences

A Letter was presented to the Panel by The Children's Society, written by a young

Traveller whose site does not have electricity

Hello my name is Eliza; please help us with our electricity.

I can't have my friends around, I can't do my homework with no lights and the teacher get mad with me.

There is no TV, no proper wash area, no hot water I missed playing dress up with my little sister I can't do that anymore. I am sick of washing in a little bowl and waiting for the kettle to boil. I'm scared to go out for a toilet at night it's so dark with no lights and we got to wee in a little bowl in the dark with a torch. We can't play with our games, please help us.

I'm only 13 and my life is so sad.

Eliza 13

The letter had been written in November 2010. Despite her family attempting to have electricity supplied to the site for six months, it had still not be connected to the site. Eliza still has no electricity.

Sir Aynsley-Green stated "*...children have told me repeatedly of endless harassment. One girl told me of how their family had a baby in the van and they were moved on from a layby where they had parked for an hour so the mother could buy some baby milk from the local store, the police were called and they were moved on immediately – that is what a child told me. The discrimination is very serious to the point that serious and profound bullying that you hear everywhere and about how these children are affected it is not surprising their support for school is variable but the outreach services I have seen have been truly magnificent*". Sir Aynsley-Green had also visited a family in Somerset just prior to their eviction. The children were deeply distressed by the prospect of eviction. Despite strong local support this family had been compelled to leave their site under the threat of eviction. Debby Harvey of the Children's Society reported that the extened family has been broken up since they lost their site because of planning problems and the strain has affected both their physical and mental health. The grandparents who were living on an unauthorised encampment were under huge strain. They had an adult grandson who was disabled and had the intellectual capacity of a five year old and who could not go out alone because of the busy road next to the encampment.

Chris Whitwell of FFT spoke of the trauma and mental and physical health problems endured by young Gypsies Roma and Travellers as a result of inadequate accommodation, and experiences of eviction and discrimination. Sir Aynsley-Green spoke of the "*real need for society and policy makers to try and see things through the eyes of these young people*".

Representatives from NATT and ACERT expressed deep concern that the 'Every Child Matters' and cross departmental and inter-agency work on and for young people, which held great potential to improve support for young Gypsies Roma and Travellers, were 'unravelling' as a consequence of cutbacks in local authorities which impacted on large numbers of services.

Foster stated "*The every Child matters agenda is another thing that is going, we felt when it was introduced that we had kind of come home, we had always worked with other agencies, health and concerns about safety and racism and other things like that, we felt we had come home but that seems to have been cut back with no discussion*"

Health

It was in response to the research findings on their health status (Parry et al 2007, Van Cleemput et al 2007) that the Dept of Health targeted health improvement of Gypsies , Roma and Travellers in a policy initiative aimed at reducing health inequalities, the Pacesetters Programme. The results showed striking inequalities in the health of Gypsies and Travellers, even when compared with people from other ethnic minorities or from socio-economically deprived white UK groups and demonstrated the long-term health impact associated with a history of persecution, social pathologisation and social exclusion of Gypsies and Travellers. Poor accommodation and a lack of sites are often major variables that impact on the health of Gypsies and Travellers (Van Cleemput, 2007, 2010). Joe Jones in evidence to the Panel Review outlined how the stress and anxiety of trying to secure planning permission had had a severe impact on his health. Hence, if the Localism Bill does lead to a reduction in site provision, the health impact could be profound. In addition to this reform a major initiative of the Coalition Government are NHS reforms that are also centred on notions of devolution and decentralization.

The Government was asked one specific question about how they envisaged policies, with particular reference to the Pacesetters Programme, would improve Gypsy/Roma/Traveller health. CLG responded as follows:

How does the Government envisage Pacesetters and other policies improving Gypsy/Roma/Traveller health?

The Government View

The NHS White Paper, *Equity and Excellence: Liberating the NHS* seeks to promote equality and reduce health inequalities. Health reforms are working to improve the health of the **whole** population - including Gypsies and Travellers - and equality and fairness in service is at the heart of the NHS and (forthcoming) Public Health Service England.

The aim of the Pacesetters programme was to deliver reduced health inequalities for patients and service users and working environments free of discrimination, including trialling innovative approaches to some of the more deep-seated health access problems experienced by Gypsies and Travellers. Learning and good practice from the Pacesetters programme has been disseminated widely, and is feeding into the 'Inclusion Health' programme which is dedicated to improving the health outcomes of vulnerable groups.

The Inclusion Health programme seeks to drive improvements, mainly through system reform and clinical leadership, to ensure everyone gets the care they need, regardless of their needs or circumstances. The recently announced national Inclusion Health board will provide vital leadership in this area and champion the needs of vulnerable groups across health and social care.

Department of Health is also working with the NHS to promote equality and fairness in service and has established the NHS Equality and Diversity Council to support NHS staff and organisations to work more closely with the diverse groups and communities they serve.

This response makes light of the potential negative impact of the NHS health reforms. Sir Aynsley-Green informed the panel that he was so deeply concerned about the implications of NHS reforms that he had asked the Chair of the Health Select Committee if he could carry out an inquiry into the impact of these reforms upon young people. Sir Aynsley-Green spoke of the impact of health reforms "*I predict with absolute certainty that the outcome will be absolutely catastrophic to families who already have great difficulty in accessing primary health care and emergency care etc, so where in the NHS reforms is there any mention of highly disadvantaged communities like Travellers. What is going to happen to them with the GP commissioning and other changes in the legislation?*".

Community members, representatives of Gypsy Roma Traveller local community organisations and health staff working in community settings, or in Public health have all reported to the panel, or afterwards to a panel member, that they are very fearful that there will be a cessation of funding for some or all of the good work that commenced either as a result of a Pacesetters initiative or as part of their mainstream role. The running down of Primary Care Trusts (PCTs) and the lead up to GP commissioning is creating uncertainty about funding of some posts and loss of continued funding of some existing projects.

For example the posts of Gypsy Inclusion Officer, previously funded by Doncaster PCT and also a Gypsy and Traveller community development worker who had a specific remit on improving access to health care are both being lost. Dr Crichton, a Doncaster GP, reported *“The financial constraints appear to be affecting every individual in our community, so I am cynical and find it hard to see funding for current services never mind increasing/improving services..... The running down of the PCT and uncertainty of the new GP commissioning model means no new spending will be agreed”*. Examples were given of previous good work that is now threatened. Chris Whitwell of FFT reported that some effective partnerships had been forged between Gypsy Roma Traveller community groups and the health service, providing awareness training and outreach and other forms of specialist support. Bridget McCarthy, an Irish Traveller, told the panel how she had helped train midwives on Gypsy and Traveller cultural needs and life experiences. The Roma Support Group informed the panel that it had undertaken innovative work with its local PCT

The CLG response refers to Inclusion Health and “inclusion health boards”, but Inclusion Health still a policy idea and, as yet, unknown at ground/frontline service level according to several respondents . In Yorkshire and Humber region at least there is no sign of movement on this.

The CLG reference to the learning and good practice from Pacesetters but there is limited evidence of many of those initiatives being sustained in the areas where they were initiated as few were embedded and mainstreamed as envisaged. For example, a

'flagship initiative, the Health Ambassadors in Leicestershire has no further funding beyond April 2011.

Dr Van Cleemput has also noted that the "streamlined" Public Health England is also going to have funding issues as they undergo transition and transfer of functions from the HPA and transfer from PCTs . Although there will be a ring fenced public health budget, this does not mean ring fenced roles.

Health improvements are not determined solely by specific health service provision and, as already noted, the social determinants of health such as accommodation and social exclusion are critical for Gypsies Roma and Travellers . There is need for multi agency working to achieve improved health outcomes and improved access to services. For example, Save the Children Fund has produced a report on Early Years work with Gypsies and Travellers to encourage reflection on current outreach work and to support the consistent monitoring of the rationale, quality and effectiveness of practitioners' work. This report, in describing the need for outreach workers, refers to evidence of families from these communities remaining excluded from many mainstream services and opportunities, particularly health and education services. It suggests that an 'open door' policy is not sufficient to ensure equitable access since services remain inaccessible to anyone who does not know about them. In addition to the role of outreach in identifying and contacting marginalised groups, bringing families or individuals into existing services and/or delivering services directly to them, and increasing health awareness and knowledge of services, reverse outreach by community members, to staff who provide health or health related care from statutory services or voluntary agencies, is also important in the aim of improving health and access to health services for GRT populations. This reverse outreach is particularly under threat with cuts experienced by 3rd sector organisations that often fund such posts.

Economic Exclusion and Welfare Support

Matthew Brindley informed the panel that the Irish Traveller Movement in Britain had project managed the Traveller Economic Inclusion Project. This large-scale qualitative project, funded by Big Lottery Research and published in November 2010, had explored the employment experiences of Gypsies and Travellers and the impact of various social inclusion factors on economic success. The research had found that those Gypsies and Travellers engaged in 'traditional' forms of employment (e.g. gardening, trading; scrap metal work, etc.) were experiencing growing difficulties in remaining economically independent. These problems were directly connected to the shortage of sites, poor access to education and training and a lack of business support from services such as Business Links. Mr. Brindley also informed the panel that targeted support for unemployed Gypsies and Travellers appears to be limited by the fact that the DWP/Jobcentre Plus Branches fail to classify Gypsies and Travellers as ethnic groups which potentially impacts negatively on the monitoring and understanding of these minority's employment and training support needs.

The panel was also informed of potentially devastating changes to Supporting People's Services where there is expected to be significantly reduced financial support for this service. Siobhan Spencer of the NFGLG felt that this funding stream could benefit from being made less bureaucratic, and was concerned that when such funding was used to partly finance the services of a Warden at a Gypsy or Traveller site (on the assumption that they assisted with form filling and acting as a liaison point to other agencies) that there could potentially be a conflict of interests between the local authority who owned/managed the site and the needs of the site residents approaching the Warden for assistance. Despite this, Siobhan informed the panel that a number of Gypsy Traveller projects such as the Ormiston Trust, Cara Homes and the East Notts Traveller Association, had used Supporting People services to provide valuable support to community members experiencing problems with accommodation or who needed to access services and personal support. Since the hearing Siobhan has submitted to the panel a petition raising concerns about the cutbacks to supporting peoples' services in Nottinghamshire:

Petition

As you may be aware The Nottinghamshire County Council has been tasked with making a £10 million cut to the support people budget. As a result of this cut The Travelling Together Service is to be decommissioned post July 2011.

This is the only front line support service for The Gypsy and Travelling Community in Nottinghamshire. Supporting People have stated that the Gypsy and Traveller Community will be able to access other mainstream services.

We know that many of the Gypsy and Traveller Community, will not for a variety of reasons be able to simply access mainstream services as the Council have stated. We are therefore asking the County Council to reconsider their decision. Please sign below to show your support.

WE THE UNDERSIGNED CALL ON NOTTINGHAMSHIRE COUNTY COUNCIL TO RECONSIDER ITS DECISION TO DECOMMISSION THE TRAVELLING TOGETHER SERVICE.

Annette Warren a Gypsy Traveller Liaison Officer informed the panel in writing *“In Nottinghamshire along with other counties in the East Midlands we are facing huge spending cuts in the public spending of local authorities on services. We are going to see an impact on the roles such as Gypsy Liaison Officers, Supporting People funded specific services for Gypsies and Travellers as highlighted by Siobhan Spencer and also not forgetting the cuts with the dissolving of the Primary Care Trusts which will mean a loss of the much needed Traveller Health Worker. It takes a long time to build up confidence and trust when working with members of the Travelling community and it is looking very likely that much needed services will disappear leaving them once again a seldom heard minority group”*. Since the hearing the Panel has been informed that a loss of funding will lead to staff redundancies in Ormiston’s targeted service for Gypsies and Travellers. Ormiston has established itself as a lead support agency in the East of England whose innovative work has been of national significance

Housing

Chris Whitwell of FFT stated that although there was often a strong focus on site provision it should not be forgotten that there were possibly as many as two thirds of the Gypsy and Traveller community living in housing, (as well as all known Roma community members) many of which still experienced acute disadvantage and

exclusion. Helena Kiely (an Irish Traveller who works with the LGTU) spoke of the aversion to bricks and mortar experienced by many Gypsies and Travellers. The shortage of site provision had often forced them to go into housing where they suffered isolation and alienation in what were for many strange and unwelcome surroundings. Frieda Schicker of the LGTU noted that many of these Gypsies and Travellers were placed in private temporary accommodation, the short term nature of this accommodation meant these families could be highly mobile fragmenting family support networks but also disrupting access to services like health and education, Bridget McCarthy (a housed Irish Traveller) stated that after twenty years of being housed, her preference would still be to live on a site and that when she had first moved into bricks and mortar accommodation she had experienced profound discrimination from her neighbours on account of her ethnicity. For such Gypsies and Travellers, although their needs were great, specialist support was often less evident as there was a greater risk that they were unknown to agencies that could help them. For many other housed community members there was no specialist Gypsy and Traveller support or community group in their area who worked with housed Gypsies and Travellers exacerbating the chances of isolation and cultural trauma (see further Cemlyn et. al., 2009).

Criminal Justice Issues

It has been noted that stereotyping of Gypsies Roma and Travellers as being habitually engaged in criminal activity is widespread (Greenfields, 2006; Power, 2004). It has been noted in the EHRC literature review that ACPO claim they have no disproportionate problems with criminality in the Travelling population' (Cemlyn et al 2009).

Commenting on the exclusion that can be caused by the location and nature of certain sites and links to criminality NAGTO stated *"..... dependency, and many of the separate and unsuitable locations of the sites provided, their construction and management arrangements, created a kind of ghetto effect. Their populations lived very separately from the rest of the local population. The policing of them was carried out sometimes on a very primitive and confrontational basis. While those who lived on public sites (or on*

the side of the road) were often excluded (or they kept away, or both) from education, easy access to health services, training and therefore employment opportunities, the level of criminality (though still denied by some in the communities) was almost certainly higher than for populations around them and that exclusion and criminality fed into and increased the prejudice and racism of others”.

If the shortage of sites and conditions of those that exist is not addressed then links between substandard accommodation and societal alienation and poor access to services as outlined above may go unchanged. As has been noted a number of participants in the Panel Review were fearful that localism could aggravate local tensions over site developments. Hence, there may be increased occasions when Gypsies and Travellers are increasingly the victims of crimes namely harassment and hate crime. Strained relations between Gypsies and Travellers and the police and perceptions of discrimination (Coxhead, 2007) may not in all cases lead to community members reporting such incidents. On the other hand a number of police forces are promoting innovative work in forging good community relations with Gypsies and Travellers which will need to be more widely disseminated in the new and emerging environment of localized planning and decision making given the anticipated rise in community tensions. That could stem from such reform

The Rev. Redding and Father Joe Browne spoke to the panel about the support work that churches provided to Gypsies and Travellers who were involved in the criminal justice system. It was noted that Gypsies and Travellers could be at some particular disadvantage in the criminal justice system, as a site is not usually treated as an acceptable bail address leading to longer periods in custody, and that the high level of illiteracy amongst Gypsy and Traveller inmates means that the prison culture of form filling presents a series of challenges. Father Joe Browne stated that the Irish Traveller Catholic Chaplaincy has commissioned research into the experiences of Travellers in the criminal justice system and that the research would be available later in 2011

Roma

Dada Felja of the Roma Support Group and Professor Thomas Acton both stated that they were encouraged that some Roma pupils had done extremely well in the UK education system and had gone on to enter higher education. These successful young Roma were role models not just for the Roma but also Gypsies and Travellers as they demonstrated that it was possible to remain culturally Gypsy/Roma or Traveller and still receive a higher education whilst not losing their distinctive identity.

On a less positive note, many young Roma who speak English as a second language are living in poor quality and overcrowded housing and experiencing exceptionally high levels of poverty. These young people are still vulnerable in the education system and were in need of additional support from Traveller Education Services. Hence, the demise of such educational support was the cause for grave concern.

Work restrictions on A8 (Poland, Slovakia, Czech Republic, Slovenia, Hungary, Lithuania, Latvia and Estonia) migrants and in particular A2 (Romania and Bulgaria) nationals in the UK (from which country many Roma migrants originate) has placed huge obstacles in the way of Roma supporting themselves and finding work. It was reported that many were trapped in casual self-employment and earned a fraction of the legal minimum wage which consigned them to residence in overcrowded and substandard accommodation. In addition Acton argued they are targeted by police action, supposedly against 'trafficking', which has led to repeated episodes of children being briefly rounded up and their carers arrested, before they are released.

Dada Felja informed the panel that there were very few Roma support projects in the country and those that did exist, received limited local authority support and that the funding base of groups such as the Roma Support Group had (like their Gypsy and Traveller counterparts) been severely affected by the financial crisis and cutbacks, thus creating insecurity regarding the sustainability of the Agency's work.

The Roma Support Group had considered applying for the Government's transition fund but noted that 90% of BAMER (Black and Minority Ethnic Refugee) organisations could not apply for a proportion of the £100 million Government Transition Fund, (which is supposed to equip leading community organisations to a sustainable bridge to self-

sufficiency during economic cut-backs because they receive less than 60% of their funding from taxpayer funded sources and thus were ineligible for support from the Fund. This condition not only disqualified RSG but also most small- to -medium charities in the country from the safety net provided by the Transition Fund that will now benefit only large existing charities. The Roma Support Group declared *“How does this agree with the government’s rhetoric to engage our sector in opportunities to build vibrant and resilient civil society? Many small-medium size community groups, which deliver vital and life-saving work for the most marginalised members of our society, will go under well before opportunities ever emerge”*.

London Councils have imposed funding cuts on hundreds of small community support services. These cut-backs have included funding for the Roma Support Group’s Education Support Project which has led to a recent challenge to the policy in the Royal Courts of Justice. This case has highlighted the fact that these cuts usually hit frontline support for the most disadvantaged and socially excluded groups and are undertaken without “due regard” being paid to equality duties as required by s71 Race Relations Act 1976, section 76A Sex Discrimination Act 1976 and section 49A Disability Discrimination Act 1995). The Roma Support Group believes that their case could set a legal precedent and act as a model for legal challenges to be brought by other Gypsy Roma Traveller groups affected by punitive cuts which impact negatively in relation to Equality duties.

EU Roma strategy

The Panel was informed by Andrew Ryder that the Hungarian Government in its presidency of the European Union was hoping to frame a European Roma Strategy which would shape European and national policy on this issue. Ryder noted that some Roma activists were fearful that there would not be adequate consultation of Roma communities on this issue. Ryder suggested that the European Union should sponsor activities like the Panel Review in EU member countries by bringing together Roma/Gypsies and Travellers with service providers and policy makers into a collective

dialogue to feed into the development of an EU Roma Strategy or its delivery. Additional evidence was submitted to the Panel subsequently by Jenni Berlin (a Finnish PhD student working with Margaret Greenfields at Bucks New University) in relation to the Finnish Roma National Strategy which has been applauded in Europe as a best practice model, embracing, health, social care, accommodation and rights to cultural identity. Lord Avebury suggested that this might offer some practice recommendations for both UK and other European/Hungarian models

Inter-Ministerial Working Group

The Government has expressed a commitment to raising the social inclusion of Gypsies and Travellers through the establishment of an inter-ministerial working group looking at discrimination and poor social outcomes for Gypsies and Travellers. Please can the Government outline the nature of this group and how it will work?

The Government View

In the light of evidence of poor life outcomes for Gypsies and Travellers the Secretary of State for Communities and Local Government, Eric Pickles, asked for cross-government collaboration to tackle the serious inequalities affecting these communities especially in terms of cutting glaring inequality gaps and the degree of racial abuse which would not be tolerated if directed at any other ethnic group. Related to these problems are challenges concerning their exclusion from shaping/benefiting from mainstream services and the lack of participation in wider civil society activities.

A Cross Government Ministerial Working Group has now been formed for this purpose, chaired by the Secretary of State for Communities and Local Government, with ministers representing Departments for Education, Health, Work and Pensions, Home Office, Ministry of Justice, Home Office and HM Treasury. Issues to be addressed include poor community engagement with education, health, employment and benefit services and the need for more responsive services in return, financial exclusion, race hate crime and poor relations with society generally in the context of new traveller sites.

These issues have been discussed by officials and some Gypsy and Traveller representative groups to ensure that no key issues have been omitted and to consult on the most effective ways to take these forward and encourage and support local community groups to play their part in delivering local solutions. We are also looking at ways to engage with local authorities, the voluntary sector, health providers and police forces amongst others to help secure effective outcomes.

Many participants to the Panel Review welcomed the establishment of the Inter-Ministerial Working Group. For example the National Association of Local Councils stated *“We consider it a very good idea that Mr Pickles has asked for this group to be established in order to address the structural issues of racism and social exclusion which the travelling community has been exposed to”*. As is evident from this section of the report, many challenges to increasing the social inclusion of GRT people will face the inter-ministerial working group. As Father Joe Browne noted, *“the fact of the matter is that on our very own doorstep we have people, namely Gypsies, Roma and Travellers living in third world conditions”*.

One way of ensuring that the inter-ministerial working group is successful is listening to, and taking on board, the views and aspirations of Gypsies, Roma and Travellers and making them partners in the design of new Government policies. As Joe Jones of the Gypsy Council stated, *“he was tired of others designing policies for him and his community and never being properly consulted. ... and this was why so many policies had failed in the past”*.

Where Next?

The Travellers Aid Trust will place the report on the internet and disseminate the interim findings which it is hoped will be noted in discussions on emerging Coalition policy on Gypsies Roma and Travellers. In particular it is hoped that parliamentarians will be able to use this interim report in the further debates on the Localism Bill.

The final report will be released in May 2011 and launched in parliament by all the groups that participated in the Panel Review. In the meantime, the academic team involved in the Panel Review will continue to study evidence and elaborate on the report's findings. A concluding section will provide an update on the later stages of the Localism Bill and posit a series of key points for Gypsies, Roma and Travellers as well as service providers and policy makers.

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