



OFFICIAL REPORT
AITHISG OIFIGEIL

Equalities and Human Rights Committee

Thursday 1 June 2017

Session 5



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EQUALITIES AND HUMAN RIGHTS COMMITTEE

15th Meeting 2017, Session 5

CONVENER

*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

DEPUTY CONVENER

*Alex Cole-Hamilton (Edinburgh Western) (LD)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)

*Mary Fee (West Scotland) (Lab)

*Gail Ross (Caithness, Sutherland and Ross) (SNP)

*David Torrance (Kirkcaldy) (SNP)

*Annie Wells (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Maureen Finn (STEP)

Michelle Lloyd (MECOPP)

Chris Oswald (Equalities and Human Rights Commission)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament
Equalities and Human Rights
Committee

Thursday 1 June 2017

[The Convener opened the meeting at 09:34]

Decision on Taking Business in
Private

The Convener (Christina McKelvie): Good morning. Welcome to the 15th meeting in 2017 of the Equalities and Human Rights Committee. I make the usual request for mobile phones to be switched to airplane mode or switched off.

We have not received any apologies. Annie Wells will be joining us imminently.

Under agenda item 1, I ask members to agree to take item 3 in private. Do we agree to do so?

Members indicated agreement.

Gypsy Traveller Community in
Scotland

09:34

The Convener: Item 2 is continuation of our inquiry into school bullying and other issues affecting Gypsy Travellers in Scotland. That will be the main focus of our business today.

I welcome back to the committee Chris Oswald from the Equalities and Human Rights Commission; Michelle Lloyd, who is a programme manager from MECOPP; and Maureen Finn, who is the director of STEP, which is the centre for mobile cultures and education. Maureen, we are grateful to you for being here this morning because we are interested in the work that you are doing—just as we are interested in the work that everyone here is doing.

This will be something of a scoping session on Gypsy Travellers. It is a follow-up on the work that the Equal Opportunities Committee conducted and a look at some aspects of our inquiry into school bullying. We have a few topics to cover, but I am sure that we can get through them all.

We are keen to hear from the witnesses. I know that Chris Oswald has something to say about the proposed planning bill. I will give you a couple of minutes each to tell us a wee bit about your interests in those aspects of the committee's work, so perhaps Chris can address the planning issue in his opening remarks. Members will then come in with questions, if the witnesses are comfortable with that.

Chris Oswald (Equalities and Human Rights Commission): Thank you for inviting us to talk about Gypsy Travellers again at the Equalities and Human Rights Committee.

As I am sure members are aware, the Equality and Human Rights Commission is the Great Britain regulator for equality. We deal with reserved issues of human rights in Scotland and share our human rights remit with the Scottish Human Rights Commission. Over the years, we have been supportive of the committee's inquiries. A number of pertinent recommendations have been made, but unfortunately, during the lifetime of the committee and certainly during my engagement with Gypsy Traveller issues, which has lasted about 20 to 25 years, we have seen little progress.

The last census estimated that there are approximately 4,000 to 5,000 Gypsy Travellers in Scotland. Most Gypsy Traveller community estimates would place that figure at about 20,000. Members will be familiar with issues of non-disclosure among Gypsy Travellers.

If we were to conceptualise those 20,000 people as living in a town, we would be talking about somewhere the size of Alloa, Renfrew, Dumbarton or Elgin, and that town would have the worst health, employment, poverty and educational attainment outcomes. However, because of the dispersed and mobile nature of the community, we do not tend to focus on those things as a group. If we were to conceptualise the community as a town, we would be looking at one of the worst towns in Scotland.

I return to the root of all that, which is prejudice. To unpack that, it is about prejudging people. In the run-up to today, I had a conversation with Michelle Lloyd about how it is almost all about people saying, "All I need to know about you is that you are a Gypsy Traveller, not that you are a Gypsy Traveller who is older, disabled, a woman or a mother." The label—the tag—is potent.

From our work, we estimate that we are looking in Scotland for an area of land the size of something like three football pitches so that we can provide adequate and appropriate sites for Gypsy Travellers. We do not believe that that is impossible. However, Scotland's planning processes mean that there are enormous difficulties with getting planning permission for local authority or private sites. They often attract active campaigning from local residents, and that campaigning is often supported by local councillors and elected members. In many ways, the essential problem is about land: politicians from all parties in Scotland have been unwilling or unable to address that problem.

Forgive me while I take a little time to explain a proposal. Three years ago, the Scottish Government did some internal research that suggested that there are about 750 pitches in Scotland. The survey covered all local authorities, and found that 13 local authorities have no provision whatsoever. Three of those are island authorities, where we would expect that there would be less provision. However, that means that 10 out of 29 local authorities where we would expect provision have no provision. That lack of provision is particularly concentrated in the west of Scotland.

Two thirds of the 750 or so identified pitches across Scotland are in two local authority areas—South Lanarkshire and Fife—which I find quite remarkable. When we looked at the explanations and data, it became apparent that something quite different happens there in planning. There is more inclination to grant permission for small family sites—small patches of land with four or five pitches for friends and family. To do that, the authorities need the money to afford the land. Such sites do not resolve all the pressure in the system, but they certainly have a bearing on it.

Therefore, the first proposal for the proposed planning bill is that there should be a presumption to grant permission for small family sites in places where all the circumstances are appropriate—such as that the land is habitable and not in an industrial area—to take some pressure and demand out of the system.

I also draw the committee's attention to new build. A significant amount of new build is going on in Scotland. Chapelton, which is a new town that is being built outside Stonehaven, has in the deeds that once a certain level of housing is completed—just over 1,700 houses, I think—the developer is required to build a Gypsy Traveller site. At this point, the developer is not offering Aberdeenshire Council the £100,000 that it would cost to get out of that element of the contract, and I do not comment on that. It is an interesting idea. If new areas of housing are being developed, there is real potential to locate Gypsy Traveller sites before the ground is broken. Many of the issues that have come up in committee about poor access to schools and healthcare can be addressed in a modern site adjacent to a new development.

We have recommended that the proposed planning bill include a presumption for planning consent for Gypsy Traveller sites on new-build areas. We are not planning experts; I have spoken to planners who have said that there are potential problems about how a private developer would recoup that cost. An issue that the Government and the committee could look at favourably is extension of bridging loans and credit to developers, which could enable them to do that.

For the first time in a long time, we have two potential ways to start to address the issue of land: a presumption towards small family sites and new sites attached to new-build developments. The fundamental issue of prejudice comes back to the pressure on land. Because of the lack of provision across Scotland that has been evident for many years, Gypsy Travellers are often forced into pitching in places where they do not want to be and where other people do not want them to be.

I am more than happy to explore any of those matters further with the committee, and I welcome the opportunity to propose something a bit more positive.

The Convener: Thank you very much. I am glad that you had time to elaborate on your points. We will hear from Michelle Lloyd and Maureen Finn and then come in with questions.

Michelle Lloyd (MECOPP): Thank you for the invitation to come back again. It is hard to believe that it is five years since the care and accommodation inquiries, and it is even harder to believe that it is 16 years since the 2001 inquiry

that sparked much of the interest in the matter. I was, for my sins, also involved in that initial inquiry.

I am an optimist. I will come back to that later on, because much of what I am about to say might sound rather pessimistic. Unfortunately, that is the world that we live in. The evidence that I will give is based on MECOPP's experience of working daily with Gypsies and Travellers who live in rural and urban areas of Scotland.

09:45

In preparation for coming here today, I had a look at some old reports, reviews and recommendations. Five or six themes came out of those that I will concentrate on. People will not be surprised to hear that the first of the themes is the need for strong leadership at national level. There is ample evidence that some issues being left to local authorities or local providers means no change—accommodation is an example. There is mention of Gypsy Travellers in many local housing strategies, but no new sites are being built for them. In that regard, some of Chris Oswald's suggestions are worthy of further exploration.

The second theme is that significant inequalities exist across accommodation, education and health. In relation to health and the high rates of long-term conditions, for example, there are—to my knowledge—still no targeted or focused campaigns.

The third theme is that there is a pressing need to improve engagement with Gypsy Travellers. We are still hearing too often that they are hard to engage with—that they are difficult to engage with and do not want to engage. I am sorry, but surely we are beyond that attitude. The onus is on the service providers to find creative and innovative ways to engage. It is sometimes not even about being creative, but just about speaking to people, being respectful, listening and acting on what is heard. There are, up and down the country, examples of what works. They are often led by small voluntary organisations, but they are, nevertheless, examples that could be built on or used as templates to improve practice.

Because of the reluctance to engage with Gypsy Travellers, there is an ever-widening gap between what service providers and civic leaders think the issues are and what the situation is—what the reality is in many Gypsy Travellers' experiences. That gap was highlighted in the 2012 and 2013 reports, and I think that it continues to widen.

As I said, there are examples of good practice, but they are often localised and short lived. They are often done on a shoestring budget and are found in, for example, schools, museums and mental health services, but they could be built on

and continued. What is missing is a robust national strategy that is fully resourced and adequately monitored, that has appropriate timescales in the short, medium and long terms, and that is outcome focused with SMART—specific, measurable, attainable, relevant and timely—objectives. Those are things that most of us see regularly in the rest of our professional lives; we see SMART strategies but, unfortunately, not strategies at national level for Gypsy Travellers.

As Chris Oswald does, I believe that the biggest issue is discrimination and prejudice, which we see regularly in our casework. There are appalling levels of lack of impartiality and lack of professionalism among some service providers. We do not have to look far in the media or policy documents to see examples of stereotyping and negative reporting that would, thankfully, be completely unacceptable in relation to other communities in Scottish society. I think that stereotyping and prejudice affect every Gypsy Traveller in Scotland. Whether they have been directly discriminated against or not, they are all being tarred with the same brush.

The Government's research has highlighted how entrenched attitudes have not shifted very much over the past few years. Those attitudes affect all Gypsy Travellers, whether they are living in a house or on a site, and whether they are young or old. The attitudes affect children, teenagers who try to access restaurants or clubs, and students at university who do not see their history or culture recognised or the contributions of their ancestors acknowledged in society. The attitudes affect men and women who are trying to gain employment and are told that they need to change their name or address in order to access a service. The attitudes affect carers who are trying to get adaptations made to their homes, but are not able to do so because they happen to live on a Gypsy Traveller site.

In the long term, that affects the way that community members view the world. It affects the services that they access, the way that they bring up their children and whom they do and do not engage with. It also affects their sense of belonging within Scottish society—which in many cases is severely lacking.

Since 2001 there have been various calls for campaigns—sometimes public relations campaigns and sometimes awareness raising campaigns. More recently there has been a call for zero tolerance towards the attitudes and stereotyping that I have described, but to date such campaigns have failed to materialise. There are now opportunities in terms of hate crime to prioritise the issues, but they need to be included at the beginning and at a significant level.

I said at the beginning that I am an optimist, which might surprise the committee. However, I truly believe that I am. MECOPP works with a lot of strong and proud individuals who are active and engaged not only within their own communities but in society more generally. Those people have a wealth of experience and ideas that they would be glad to share. They are already sharing them, albeit at local level and on a small scale.

Finally, I want to end with a quotation that really touched me. We have been running bespoke short breaks for Gypsy Travellers and the people for whom they care. Contrary to the idea that Gypsy Travellers are hard to engage with, there has been a waiting list for every event over the past two and a half years. A carer for a teenager who has learning disabilities and who lives in a rural area in which we work attended one of the breaks recently. She was very reluctant to attend, having had quite negative experiences of respite in the past. However, she came along and in the car going home she said to a staff member,

“I really felt like I belonged.”

She paused, and then said,

“And that doesn’t happen very often.”

The Convener: That says a lot. Thank you very much.

Maureen Finn (STEP): Thank you for inviting me. This is the first time that I have been at this committee, although my predecessor from STEP has been here. I will give you a general overview of our work and where we feel that additional work is needed in education specifically. I am talking about education in the broadest sense.

Over the past three or four years, we have revised the way that we work at STEP. We are based at the University of Edinburgh. We started off by gathering information from the literature—because we are quite research focused—from Gypsy Traveller communities and from school staff. What has been said today has chimed with a lot of our work.

We have had to devise new methods for consulting and collaborating with the Gypsy Traveller community, and we feel that we have had some success in doing that. However, some of the information that has emerged from those processes has been really alarming. The situation has proved to be even more concerning than the current information would lead us to believe.

We try to work in partnership with communities in everything that we do and we disseminate our findings nationally. The committee will be aware that between the 2011 census and the 2015 census there was very little improvement in educational attainment and school attendance among Gypsy Travellers. There has been an

increase in exclusions, and we can think about that in our conversation about bullying, but there has been very little change from patterns that have been described before.

There is an issue with gathering evidence in the first place, because, for me, statistics mean very little in relation to Gypsy Travellers. We know that many young people and their families choose not to identify as Gypsy Travellers even though they are entitled to do so, so we have the problem of young Gypsy Travellers being in school but not getting the additional support that they need. The social, emotional and educational problems that arise are not attended to in the way that they need to be.

We have the further problem of not having a true count of the number of Gypsy Travellers in Scotland who are not in receipt of any form of education. We believe that the number goes into the thousands, rather than the hundreds.

That leads me to the whole notion of Scottish education. We have really effective policies in place. Many issues have been attended to over the past three, four or five years, with the legislation on children and additional support for learning and the work that has been done on getting it right for every child. We are also starting to think about the United Nations Convention on the Rights of the Child and how we bring it into on-going policy in schools.

The Education (Additional Support for Learning) (Scotland) Act 2004 provides a really good way to measure the problem. There is a list of criteria in the policy that makes a child eligible for additional support, such as their being bullied, interrupted learning, not attending school regularly, being looked after and so on. Soft descriptors would ensure an effective additional support package for Gypsy Travellers. Often, things are not made explicit enough, and Gypsy Travellers fall through the net and do not receive the support that they need.

The counterargument that may come from those who have a normative view of education is, “But we’ve got effective services and policies. Why can they not be delivered?” The argument here, for which I think I have a business case, is that an additional piece of work needs to be done for society to reach out to Gypsy Traveller families—not just the children but the families—and give them assurances that Scottish education is now flexible and can give them the learning pathways that will secure their economic futures. That is what families are really interested in.

When we surveyed families, we asked what the main barriers to education were. I can tell you about a couple of the answers that we got. The main reason that Gypsy Traveller parents give for

not allowing their children to go to secondary school—although many go to primary—is bullying and discrimination. The view of STEP and many other agencies is that Gypsy Traveller parents have inherited that narrative in their culture.

We think that that can be challenged. Many schools are highly adept at dealing with bullying and discrimination now. We have been working on a lot of training packages nationally and with local authorities and schools, and we can see a real shift, but parents have not changed their attitudes. That leads to a huge responsibility being placed on the child.

We see stories about children going to primary school and doing very well in terms of educational attainment—excelling, in fact—when they attend regularly. Their peers then go on to secondary school, and they are left with the burden of trying to make sense of the culture of the home and the culture of the education world in Scotland. That has been shown to lead to significant social, emotional and behavioural difficulties among children. You can imagine a child sitting in a classroom while everybody else goes to do the transition visits to secondary school. They are not allowed to go because their parents will not let them.

We have been doing some work with families on that, and we have lots of solutions or potential solutions, with halfway houses or extensions of primary school in other buildings. There are three or four primary school headteachers who are willing to offer rooms in their schools for extensions to primary learning, as a bridge to a future in education.

I can report an increasing number of children leaving primary school at the age of 11—because of cultural pressure, I suppose—and going to live the life of the family. There is a real gender divide there. A lot of girls work in the caravan with the parents and carry out domestic duties, and there are boys who go off and work with their fathers and continue the family businesses. Many children and young people aged 14 or 15 are now turning up at alternative education places such as community centres and libraries to ask for additional support or some kind of education. I feel that nowadays in Scotland, we should be able to bridge that big gulf.

10:00

Transition is key to what we are talking about. We have to get children into school in the first place and support families to do that—we have models of practice that show how to do that successfully—then we have to get children from primary school to secondary school, then get them into a positive destination, because most families

will tell you that their traditional work patterns cannot support the future generations.

Do I have time to speak about one more issue?

The Convener: Yes.

Maureen Finn: I will touch on the most worrying thing. Obviously, we have structural issues that we need to address with regard to making the secondary school a more flexible place. At the moment, Gypsy Travellers run from secondary school because they know that, if they enrol, they can get trapped, so it is easier not to do it. In some places, I have been able to negotiate with teachers, headteachers, schools and local authorities to find ways of being flexible so that schools can say, “You can join the school and dip your toe in the water, but we will allow you to leave if you want to.”

The main thing that is concerning is the attitudinal barriers in terms of staff and institutions—there is a really fine line between the people and the institutions. Last week, we were doing some outreach work in a school. The school had to ask the senior management team in the council for permission to take part in that outreach work, and one comment that it received was, “Well, don’t make it too good, because they’ll all come running.” We are still dealing with that attitude. It is absolutely shocking.

Again, we have policy, guidance and practice that could address that. For example, the General Teaching Council for Scotland’s lifelong learning and development material for teaching staff has got a huge section on integrity and social justice, where professionals are required to examine their own personal and professional values, beliefs and assumptions. We need to do much more work in that area. That is probably the key to a lot of the bullying, discrimination and attendance challenges that we face in primary and secondary schools.

The Convener: A lot of aspects have been raised by all our witnesses. We will move to questions from members, starting with Mary Fee, who has been a champion of the Gypsy Traveller cause for a long time. I suppose that both of us should declare an interest in that we are honorary members of the Scottish Showmen’s Guild, because of past endeavours.

Mary Fee (West Scotland) (Lab): Good morning. In some ways, it is good to see the panel members today, but I have to say that I am deeply disappointed that we are once again talking about Gypsy Travellers and the issues that they face. The anecdotal evidence that I have seen suggests that nothing, or very little, has changed since the Equal Opportunities Committee report was published in 2013. I want to read out bits of some of that report’s recommendations so that I can get

the panel's thoughts on whether the situation has progressed or anything has been done.

Paragraph 46 says:

"Responsibility for support of Gypsy/Travellers lies across many government portfolios and local authorities, and ... it is crucial that an existing Scottish Government minister is given a new specific and overarching responsibility for the on-going support and profile-raising of Gypsy/Travellers."

Paragraph 47 says:

"There is a very real possibility of increased apathy amongst the Gypsy/Traveller population. We therefore strongly recommend that the Scottish Government launch a national public awareness-raising campaign aimed at tackling discrimination and racism against Gypsy/Travellers as soon as possible."

Given the success of the show racism the red card campaign, which everyone bought into, I honestly cannot understand why that has not been done for Gypsy Travellers.

Paragraph 49 says:

"There has been a failure of leadership on this issue at local, community and national level."

Paragraph 80 says:

"It is essential that Gypsy/Travellers, as site tenants, have the same rights and responsibilities as people living in fixed housing."

I suspect that I know what your answers will be, but I am going to continue anyway. The final conclusion, at paragraph 136, states:

"Twelve years on from the first Scottish Parliament inquiry into Gypsy/Traveller life ... it is galling to see that the appalling situation of many Gypsy/Travellers is little changed. We are staggered to find ourselves hearing the same issues and making the same recommendations that were heard ... in the 2001 inquiry ... There must be strong leadership at all levels, but the need for a powerful ministerial voice is abundantly clear ... The time has come for the Scottish Government and COSLA to take matters in hand with a national strategy to support local authorities and local councillors in developing fit-for-purpose housing strategies".

Finally, the report states:

"It is crucial that work is carried out both at a local level to encourage the settled community to accept the Gypsy/Traveller way of life, and at a national level, through a Government-led public awareness campaign".

I want to finish in much the same way as Michelle Lloyd did earlier, by lifting a quote from the report that we did in 2013. It is a quote from Donald Stewart, one of the Gypsy Traveller witnesses who came to speak to the committee. He said:

"It has been all talk and we have not seen any action. It is about time that something got done, because neither we nor other Travellers are benefiting. No other sites are being built. We are not seeing any difference; it is just as hard as it used to be."—[*Official Report, Equal Opportunities Committee*, 4 February 2013; c 960.]

Has anything changed?

Michelle Lloyd: Very little.

Mary Fee: I thought you might say that.

Michelle Lloyd: One positive move is the inclusion of Gypsy Traveller sites in the Scottish housing charter, and the fact that the Scottish Housing Regulator now has the role of inspecting sites and that guidance on minimum standards for sites is in place. However, the caveat is that it is guidance and it is perhaps not strong enough. There are countless examples where guidance has been put in place and has been blatantly ignored at a local level.

Mary Fee: The Scottish Housing Regulator did a thematic inquiry into Gypsy Traveller sites and made a number of recommendations, but am I correct in thinking that none of those recommendations has been pushed through to the end?

Michelle Lloyd: As far as I am aware, they have not been. Earlier this year, we did some training with the Scottish Housing Regulator that was led by Gypsy Travellers. One reason for that was to try to highlight the fact that sometimes it is not just about asking questions or getting evidence from social landlords; sometimes it is about understanding the context and the power relationship.

To cite one example from the thematic report, in 2013-14 seven of the 15 social landlords who gave returns on service user satisfaction said that there was 100 per cent service user satisfaction on Gypsy Traveller sites. That was during the same period when Mary Fee and other members of the Equal Opportunities Committee were out on sites and saw for themselves the appalling and horrendous conditions. To put it bluntly, somebody somewhere was missing the point. Nevertheless, the fact that the Scottish Housing Regulator has a role in relation to sites is positive, but it probably needs to go much further.

Chris Oswald: It is positive that the regulation of sites will be introduced in 2018, but that is a long lead-in period and it means that many Gypsy Travellers have continued to live in inappropriate and poor housing conditions, which has been commented on repeatedly by the committee and by international commentators. Largely, the tenancy rights on sites have become stronger, and there is encouragement for a national template approach to be adopted, which is encouraging.

I do not know whether Michelle Lloyd and Maureen Finn would agree with me but, oddly, we have some seen some success with press coverage, which has been one of the things that has bedevilled relations with the Gypsy Traveller community, particularly in the small and Scottish

press. Bulletin boards in the Scottish local papers used to be filled with virulent comments, but that is now quite rare. I have spoken to editors who have said that such boards are no longer worth the hassle. As the committee will know, we publish guidance to editors on Gypsy Travellers and that is unique—we have never felt the need to publish guidance for newspapers about any other group of people in Great Britain. That response by Scottish papers is not mirrored by the national tabloids, whose websites regularly contain extraordinarily hateful comments. However, we have made some progress.

I will briefly pick up on two points. Although I agree that we need to have consciousness-raising activities and public campaigns, those need to be targeted at the particular groups of people who have the most negative attitudes, which may be home owners and elected members. We also need to think about how we would do it. Many public attitude campaigns are based on contact theory, which is about dealing with misunderstanding and the idea that the more that people know about a group the more that they will like them. However, I suggest that this is a conflict situation in which there are two groups of people with opposing rights, so we need to do more to try to mediate between them.

I completely agree with the point on the failure of leadership. However, the relationship between central and local government is also important. Successive Scottish Governments have pulled away from having a national strategy that would imply that they tell local authorities what to do. In this case, the issue is site provision. There could be far greater emphasis from national Government in its relations with local government on the fact that it is a Scotland-wide problem, rather than something that is unique to one local authority. We need a Scottish response, not an individual local authority response, because many local authorities are simply passing the buck to others.

What alarms me from the Scottish Government's research is the almost complete absence of sites in west central Scotland. We know that there is demand, but there is no provision. I find that extraordinary.

Mary Fee: The message that came loud and clear from local authorities when we carried out the inquiry was that they wanted the Government to have a national strategy and tell them that they must build sites. There was more than one reason for that. If the Government compels local authorities to build sites, they then have someone to blame. The local authorities wanted to be able to blame the Government and say, "Look, we've been told to do this." For reasons that I will not go into, local authorities get a lot of negative press, so they shy away from standing up for the Gypsy

Traveller community and do not want to build sites because of the comments that they get from people who live in their area. The authorities want a national strategy.

Has any progress been made on housing needs assessments for Gypsy Travellers? That was a particular issue.

Chris Oswald: I have not looked at all of them. There is a common issue in the housing needs assessment that is not unique to Gypsy Travellers—I have also noted it in relation to disability. Although there may be a description of the issue and the needs, we do not see a response to those needs in the investment programmes. An example of which I am particularly conscious is the local authorities in Glasgow and the Clyde valley, where there are no sites and where those authorities say that there is no need. I find it extraordinary that there is no need in Ayrshire for Gypsy Traveller sites. That does not seem to make sense.

Mary Fee: I have a follow-up question on the need for an awareness-raising campaign or strategy. I mentioned the show racism the red card campaign, but I do not think that any strategy to raise awareness and break down the daily barriers that Gypsy Travellers face would work unless Gypsy Travellers were involved in that campaign. Are Gypsy Travellers ready to become involved in such a campaign, given everything that has happened to them? Since 2001, there has been inquiry after inquiry and promise after promise, so would they still want to be involved in something like that?

10:15

Michelle Lloyd: I certainly cannot speak for Gypsy Travellers in general, but many of the people with whom we work are ready, and are already doing things to raise awareness in their local communities. Whether by getting involved in an exhibition such as "Moving Minds" or leading workshops, they are speaking to people to try to raise awareness and becoming more confident in doing so. It is certainly true that there are levels of apathy, which is completely understandable given what we have just heard, but I completely agree that Gypsy Travellers have to be at the core of any campaign.

It is worth bearing in mind some of the recommendations of the Christie commission. We need to be cognisant of what Christie called the intergenerational cycles and of the dangers of marginalised communities and individuals being left behind. In relation to Gypsy Travellers, there is a real risk of that happening yet again.

Chris Oswald: Although I completely agree with Michelle Lloyd that it is immensely desirable for

Gypsy Travellers to be at the heart of a campaign, the problem is not of their making. It is really important to acknowledge that the locus for change is Scottish society—settled communities, politicians and service providers. It is not Gypsy Travellers' responsibility.

Mary Fee: The results of the latest Scottish social attitudes survey are horrifying in relation to Gypsy Travellers. Casting my mind back to the inquiry that we did last session, I recall all the myth busting that the Gypsy Travellers did. Is that work continuing? Does Michelle Lloyd see benefit in something like that being rolled out across every school, local authority and elected member?

Michelle Lloyd: The short answer to that is yes. That work is still going on but, as I hinted at earlier, unfortunately, it is very localised. There are examples of campaigns from Ireland and a new hashtag campaign was launched in London a couple of weeks ago along the lines of saying, "This person is a mother, a carer, a volunteer and also a Gypsy Traveller, but why do people always focus on that one label?"

The Convener: That is where I want to go with my question. The National Centre for Social Research briefing that we had with Professor John Curtice showed dramatic drops in prejudice towards lots of groups with protected characteristics, apart from those with mental health problems and Gypsy Travellers—percentage scores for both those groups were still up in the high 30s.

I was on the Education, Lifelong Learning and Culture Committee between 2007 and 2011 when we examined additional support needs plans. Perhaps Maureen Finn will comment on this. There was a huge emphasis on maintaining education, especially for young people who have additional support needs, but maybe somebody needs to look at whether that is working.

In relation to a strategy, we have the national survey figures on prejudice and we know what they say. There are policies on sites and planning consent. There are also policies in health and social care, as well as education and additional support for learning. It would not be a huge leap to create a strategy from all that and link it together.

My question is whether we need the label. The Parliament now has the power to add protected characteristic groups to the Equality Act 2010. Is it now time—to use the phrase that Seán Wixted, the clerk, gave me—to use a sledgehammer to crack a nut and recommend that Gypsy Travellers should become a specific protected group under the 2010 act? That would focus minds because, when something becomes law, that compels people to do things within the law. We have considered many aspects of the matter this

morning and are looking for a way forward. Would that be a way forward to create a better outlook for the families and young people who we are talking about? Does Maureen Finn have any comments to make on that?

Maureen Finn: We absolutely agree. We have just finished consulting on the guidance on improving educational outcomes for young people from mobile cultures, and that has ministerial approval. It links to all the policy that the convener just described. However, as I said when I described some of our issues, the policy is not explicit enough. What the convener describes would make it stand out.

That also feeds into the leadership discussion. The people we work with do fantastic work. In each project and each local authority area, we see examples of great practice, and things are changing. We run a network of representatives from each local authority in Scotland. The majority of them feel unsupported in their authorities as regards leadership and the resources that they need to do their work. The things that make leaders stand up and take notice are those that the convener described. The approach has to be much more explicit, and a protected characteristic would be fantastic.

The Convener: Thank you. Alex Cole-Hamilton has a question.

Alex Cole-Hamilton (Edinburgh Western) (LD): Thank you, convener. [*Interruption.*]

The Convener: I am sorry—does Chris Oswald want to respond?

Chris Oswald: I really do.

The Convener: Of course.

Chris Oswald: It is clear that Gypsy Travellers are already covered by the Equality Act 2010. Prior to the case that confirmed that in Scotland, the Scottish Government, the police, the EHRC and everybody else presumed that they were covered; they just had not gone to court.

Adding a protected characteristic is a red herring. The protection is there; the issue is what is being done with it. A national strategy that focused on addressing the deep-seated inequalities that Gypsy Travellers face would be welcome. Creating a specific protected characteristic for a group that is already covered by the law would be unnecessary and a distraction.

The Convener: That is fair comment.

Alex Cole-Hamilton: Good morning to our panel, who I thank for coming to see us. I have found your contributions fascinating. I admit that I do not know much about the subject, but the panel

has certainly addressed some of the gaps in my knowledge.

My interest in a lot of what the panel has said relates to children in Gypsy Traveller communities. I refer everyone to my entry in the register of members' interests, in that I used to be the convener of the Scottish Alliance for Children's Rights and I worked for an organisation that worked with Gypsy Traveller communities.

Maureen Finn did a good job of telling us about the additional support for learning needs of young people in such communities. I am keen to know about those who are under supervision. On any given day in Scotland, 15,000 children are looked after, and the majority of them are looked after at home. It strikes me that there are individual needs in Gypsy Traveller communities for young people who are under supervision and who are looked after at home. If those homes are moving, offering such social work supervision will be particularly difficult. Will you explore the particular challenges in offering support to young people who are looked after at home in such situations?

Maureen Finn: To be honest, I know of very few Gypsy Travellers who are looked after at home in mobile situations, although Michelle Lloyd might correct me on that. When a child is removed from a family, they do not tend to go to a mobile family. When there are welfare concerns about Gypsy Traveller children who are still with their families, the same interagency working set-up will kick into action.

Alex Cole-Hamilton: I am sorry—when I say “looked after at home”, I mean not that the children are taken away from their family units but that they are given extra support, in the same way as children from mainstream families who are taken into supervision are not taken away from their families but are given extra support from social work intervention. Such children are under supervision orders from the children's panel.

I imagine that the same must be true for some families with itinerant lifestyles, who are nomadic. If it is not the same, it troubles me that we are not getting to such young people. If, as Chris Oswald said, life outcomes for such communities are demonstrably worse across the board, that suggests that a higher proportion of young people might need to be taken into supervision and that we might not be getting to them.

Maureen Finn: There is definitely an issue with children who do not go to school and are under the radar. The minute that children are in school, the systems kick into place. The GIRFEC guidance applies, and each child has a named person and a co-ordinated support plan if they need one.

For a child who does not go to school, the question of who in the local authority takes responsibility for their welfare, particularly if they are not registered or enrolled at all, is a murky area. We often find that the child's health number also disappears off the radar and is never passed on to the education authority. That is a live issue—it is definitely a problem.

Alex Cole-Hamilton: From everything that I know about looked-after children, and after having worked in the sector for 15 years, it strikes me that local authorities will do everything that they can to avoid having to carry the financial can for the support that is offered. Local authorities are responsible for issuing supervision orders. If a family are moving around, that almost makes it easier for the local authority not to take up their case.

Maureen Finn: There is nothing in between a child being enrolled and not being enrolled; local authorities tend not to deal with children who are not enrolled.

Alex Cole-Hamilton: That troubles me greatly.

Chris Oswald: I am slightly uncomfortable with the premise of the question. As Maureen Finn said, it is very clear that the predominant reason why Gypsy Traveller children do not attend school is bullying or parental fear of bullying. For a social work intervention to take place on the basis that a child is the victim of somebody else's actions does not seem to be appropriate.

Alex Cole-Hamilton: I was not suggesting that at all. Supervision orders are classless—some children need to be taken into care at some stage in every community in Scotland. Although the demographics are such that the percentage of children in deprived communities who are under a supervision order is higher—in some cases, it is much higher—that is a result not of a lack of attendance at school but of chaotic family lifestyle factors such as parental desertion. A huge range of issues can cause children to be taken under supervision; I was not suggesting for a minute that that would happen because a child was not turning up at school.

Maureen Finn: We did a bit of research with the Roma community, the show family community and Gypsy Travellers. We looked at wellbeing indicators across the board for each of those communities, and our findings perhaps back up what Chris Oswald said.

It became clear that we could not jump to assumptions about the normative view of what a child being nurtured or safe might involve in, for example, a Gypsy Traveller community. Some children in that community might be running around and might be looked after by a 14-year-old or whatever, but they tend not to display

concerning levels of wellbeing, if you know what I mean.

Alex Cole-Hamilton: I accept all that—there are cultural norms in those communities that are very different from the ones that we would recognise. However, I am still troubled that Maureen Finn referred to a group of young people who are “under the radar”.

I am a big supporter of Gypsy Traveller communities. I find the culture fascinating; it is part of our rich tapestry in Scotland. However, there will always be difficult situations in which children are at risk and, if they are under the radar and are not known to social services, they will be more at risk than equivalent children whom we may find more easily because they are not, as Maureen Finn said, under the radar.

I am not worried about anything to do with cultural aspects of Gypsy Traveller life that might be strange to us given the way in which we perceive the world. However, I am worried that, in dealing with chaotic families in which neglect and abuse happen, we are not necessarily as good at applying legislation on child protection and on children in general to give children the care and support that they need through the state.

10:30

Michelle Lloyd: With regard to what Alex Cole-Hamilton just said, the issue of mobility is another red herring. The vast majority of Gypsy Traveller families with whom we work, and with whom I have worked over the past 25 years, do not move around, because they cannot do so. They live in bricks-and-mortar homes, but they still face the prejudice and discrimination that we spoke about.

To give a small example, we did research a couple of years ago on self-directed support among Gypsy Travellers—on whether there was an appetite for it and where the barriers might exist. The main barrier that social workers identified was mobility: the fact that people were on the move. However, the main barrier that families identified was prejudice. Because of the word “Traveller”, there is a myth that Gypsy Traveller people are constantly on the move, but that is not possible any more, although people might aspire to be on the move. There is a tendency to overconcentrate on mobility, and many other aspects of Gypsy Traveller culture and heritage are overshadowed by that.

Chris Oswald: I am not aware of any published or unpublished research that looks at levels of neglect or abuse in Gypsy Traveller communities in comparison with other communities. I appreciate the anxiety that children might be off the radar, but that does not mean at all that they are being neglected or abused.

We need to turn the issue round and ask why Gypsy Traveller families and children are disengaging from the rest of society and what the issue is. We have to come back to the responsibility of the education authority and individual schools. A survey was done by an MSP, whose name I cannot remember, which involved a freedom of information request about racial incidents that had been recorded in schools in the past three or four years. The information showed massive variation; some areas—I think that one was South Lanarkshire—had recorded two or three incidents, but 150 to 200 incidents had been recorded in Edinburgh.

We are particularly concerned that, although there is good practice in individual schools, that is not the uniform experience across Scotland. We have written to the minister concerned to urge the Government to put in place a requirement for local authorities and education authorities to record and publish incidents of racial and other forms of bullying in schools and, in capturing that information, to work proactively with other services—particularly the police and probably also housing services—because I suspect that the prejudice that is being experienced or expressed in schools is likely to be present in the community.

We need to look at why Gypsy Travellers are not engaging. I think that that is because of legitimate fears, which Maureen Finn referred to, about the likelihood or certainty of bullying and harassment.

The Convener: David Torrance has a quick question.

David Torrance (Kirkcaldy) (SNP): Mary Fee covered most of what I wanted to ask about, as I expected she might. There are 32 local authorities in Scotland and it was highlighted earlier that two local authorities—South Lanarkshire and Fife—are very good, with two thirds of Gypsy Traveller sites being in those local authority areas. Do officials in other local authorities take a not-on-my-doorstep attitude? I cannot see how two local authorities can provide many sites while the other 30 local authorities basically ignore Gypsy Travellers’ needs.

Chris Oswald: The vast majority of the sites in South Lanarkshire and Fife are in private hands, so the issue is planning or planning consent. Twenty years ago, I would perhaps have blamed officials for the situation. There was a level of prejudice then—there probably still is—but, when I speak to officials now, I sense that they increasingly feel exasperation because they identify areas where sites could be built and take that to a council committee, but the committee knocks them back. The issue is politicians and a discipline inside political parties, rather than a problem of administration.

David Torrance: Should local authorities be consulting communities, saying what they plan for an area and alleviating fears?

Chris Oswald: With Phil Brown of the University of Salford, we published research three years back on the circumstances that would make a good Gypsy Traveller site. A number of things came across clearly. At one Gypsy Traveller-run site in Scotland, the engagement with local planning officers and councillors was absolutely instrumental. At another site, which I think was in Carlisle—I am sure that Michelle Lloyd will correct me if I am wrong—there was significant engagement with communities around the site prior to the site being built, to the point that residents were taken to other areas and told that the house prices had not collapsed and that the people there had not been subjected to mass criminality. Some of the basic misunderstandings, misconceptions and prejudices need to be addressed.

Politicians are responding to local pressure, but part of the role of politicians—given that the general equality duty is a specific requirement on local authorities—is to foster good community relations. In turning down an application for a site four or five years ago, Aberdeen City Council said—bizarrely—that allowing the site to be built would be dangerous to community relations. That is strange and tortured logic.

Jeremy Balfour (Lothian) (Con): Good morning, and thank you very much for coming. There are issues that Alex Cole-Hamilton picked up on that we need to develop further but I know that time is against us, so I will come back to what Chris Oswald said about planning. I have just retired as a councillor on the City of Edinburgh Council, in which capacity I sat on the planning committee for a few years.

My first question is a factual one. What is your definition of a small family site?

Chris Oswald: I do not have one. There is no definition, and I think that the Government could look at that. As a rule of thumb, I observe sites of four or five pitches on a piece of land of far less than an acre in size that is owned by a Gypsy Traveller. If the committee feels that the area is worth exploring and that it might want to do some work on it, we are happy to do that. We could start to define—for the purposes of a bill—what we mean by “a small site”. However, a presumption in favour of consent is the direction in which we want to move.

Jeremy Balfour: My second question is about that presumption, and it is one to which I genuinely do not know the answer. The value of land will be higher in certain parts of Scotland than in others. You said that, where the community already owns

the land, there should be a presumption in favour of consent. Is much land already owned by the community? I was unaware that there was any such land; I presumed that the site would have to be bought first. Is that not the case? Is it the case that the community owns the land but cannot get planning permission?

Chris Oswald: I am not an expert on this but, from press reporting, I perceive that, because of frustration about a lack of local authority provision, individuals in the community who have land are allowing family and friends to stay on it or are acquiring land for that purpose.

Ultimately, we are looking for a network or patchwork of provision across Scotland. I am not particularly bothered whether that is in local authority control, housing association control or private control, but we need to get over the hump of planning consent, because that is what is holding back the development of sites.

Jeremy Balfour: Like Alex Cole-Hamilton, I do not claim to have much expertise in the area. I did a quick survey of some of my colleagues in Parliament—I asked them which minister was responsible for the issue—and a very low number of them got the answer correct, so there is ignorance in the area even among politicians.

I have always had the impression that Gypsy Travellers are people who move around. Do we know what percentage of the community still have the ability to move around and how many are permanently based on one site?

Michelle Lloyd: No, we do not have accurate numbers for that. Chris Oswald referred to the 2011 census, which included a category of Gypsy Traveller for the first time—just over 4,000 people ticked that box. However, there are many thousands more Gypsy Travellers who, for whatever reason, feel that they have to deny their ethnicity for fear of the prejudice that they may encounter. Those people often live in bricks and mortar—we may be living next door to some of them—but, sadly, they still feel that they have to deny their ethnicity. There are no accurate figures for those who are moving around or for those who are settled.

Jeremy Balfour: I am new to this, so this is a question born of ignorance. I understand that there are issues if someone is travelling around. What I cannot quite get my head round—maybe one of you can explain it—is how, if I am living in bricks and mortar next to somebody, as you say, people will know that I am part of the Gypsy Traveller community when I go to a school to register. What if I am living in a normal—whatever normal means—flat or house? Is the issue with the school or is it with—I think that one of you talked about this—the historical feeling that the community has

that they are bullied although that is not the reality in practice? If I am living in a community in Edinburgh, I will identify with that community, but how will the local school know that I am part of that community if I do not declare it?

Michelle Lloyd: Maureen Finn might want to come in on that particular point about schools.

There are many ways in which people could be identified as coming from a Gypsy Traveller community. It could be through their surname or the kind of work that they are engaged in. Someone who lived in a flat in Edinburgh, for example, felt that she had to tell her relatives not to visit her because they drove a particular kind of vehicle and were engaged in a particular kind of work. She felt that that would let her neighbours know that she was a Gypsy Traveller.

Maureen Finn: We have heard stories of young people who have gone to university using false house addresses for their entrance information because they felt that they would be discriminated against.

The issue of mobility chimes differently with each of the concerns. My area is education, but mobility is still a huge issue in Scotland in relation to education. Some schools can have 20 young people turn up unexpectedly on a Wednesday morning, and they have to be able to cope with that quickly and bring in additional staff. The schools may then find that the children have moved on and they are left with extra staff and problems with budgeting. There is real instability.

Jeremy Balfour: Do you have any idea of how many people are travelling?

Maureen Finn: We can give you only anecdotal accounts, and each local authority will give you an anecdotal account. Every Traveller education officer or Gypsy Traveller liaison officer will count the number of Travellers who go through their authority, but there is no national mechanism for keeping that information.

Chris Oswald: There are different issues to consider. Some people would like to travel but are unable to do so because traditional travelling sites have been shut off—bouldered off—and there is a lack of provision. Other people, for educational, health or caring purposes, feel that they have to move into bricks-and-mortar housing.

We are talking about an issue of culture and economics. Gypsy Travellers often travelled to work as well. Increasingly, however, the opportunities to travel have broken down because the traditional stopping places—the private sites—are closing.

I understand Jeremy Balfour's concern. The fact that we have so little hard evidence bedevils the whole issue of Gypsy Travellers. The much-

quoted figure for male life expectancy among Gypsy Travellers is 55 or something like that, but we have no health studies on why that might be the case. We know that there is an issue but we have not gone into it in any depth. I know that there is not a huge amount of desire in the community for more research, but I think that we could and should be picking up on things such as the incidence of heart disease in the general statistics.

10:45

The Convener: We should maybe take a closer look at health inequalities. This committee has just conducted an inquiry on the impact of destitution on health and the ability to access services and on-going treatment. We heard about a case in which a person was resistant to tuberculosis medication and needed additional support. The TB nurses tracked the person at 13 different addresses over 12 months. It strikes me that there are similar issues to do with ensuring that people in Gypsy Traveller communities get the right healthcare. We might need to shine a bit of light on the area.

Chris Oswald: The EHRC Scotland committee's last two reports were on housing and health and care. The housing one has received a lot of focus, and there has been a lot of engagement and work in the Scottish Government on, for example, tenancy rights and minimum standards. I have not seen a similar response from the national health service or from social work in Scotland to the committee's recommendations. That worries me enormously, because we are talking about a fundamental issue. If someone is not healthy, they are unable to participate economically, socially or civically. I am concerned that an institution with the resources of the NHS has no defined approach to investigating and addressing worrying health inequalities in the community.

The Convener: An analysis of strategy that pulled out all the threads that we have talked about might show where the gaps are.

Mary Fee: Is there evidence that general practitioners are still turning away Gypsy Travellers? When we conducted our inquiry, we found that Gypsy Travellers were being refused access to GPs. Is that still happening?

Michelle Lloyd: In our casework, we have examples of people being asked for additional proof of identity before they can be registered with a GP.

The Convener: I think that we have exhausted our questions, as no members have anything to add. Is there anything that the panel thinks we have not covered this morning? Is there a burning

issue that you want to—*[Interruption.]* Chris Oswald is out of the stalls straight away.

Chris Oswald: I apologise, convener.

The Convener: Please do not apologise. We are keen to hear from you.

Chris Oswald: The change in this committee's remit, which now embraces human rights issues, is interesting. For a long time, I have felt that only limited gains can be made through the Equality Act 2010, as the issue is far more fundamental. A human rights approach to Gypsy Travellers in which we look at, for example, the provision of adequate healthcare and accommodation and their ability to participate economically, socially and civically, is a far more compelling approach.

It is interesting that international groups—whether the British-Irish Council or the United Nations rapporteurs—are increasingly focusing on the human rights issues with which we need to engage. I encourage the committee not to move away from equality issues but to embrace the human rights arguments and concepts as much as it embraces the equality ones.

The Convener: The Council of Europe's current affairs committee, of which I am a member, delivered a report just a few months ago on a Europe-wide strategy on health education—the work was led by a Manchester councillor. It might be worth getting a copy of the report for everyone to have a look at. You mentioned the UN rapporteurs and the things that we are doing under the Human Rights Act 1998. There is good practice throughout Europe, which we might be able to tap into in order to raise the profile of the issue.

I appreciate your continued support in relation to the human rights element of this committee. We can take a human rights approach to all our work, picking out the good things and identifying the gaps that we need to tackle.

Michelle Lloyd: I have a couple of small points to make. First, in health and social care, we often encounter examples of what is known as diagnostic overshadowing—to borrow a term that is often used in the mental health field—whereby the issue that somebody presents, whether it is their physical health, an accommodation issue or the need for adaption, is often overshadowed by the fact that the person is a Gypsy Traveller. It is seen as a Gypsy Traveller issue or thought that Gypsy Travellers are the problem, which leads to the real issues being ignored or overlooked.

Secondly, one of eight equalities outcomes for the Scottish Government from 2013 to 2017 was that Gypsy Travellers specifically would experience less discrimination by 2017. That outcome was welcomed. The Government has just

set its new equalities outcomes for 2017 to 2021, and this time there are eight broad themes with little specific mention of Gypsy Travellers. Given the lack of progress, that is disappointing and is perhaps a missed opportunity to have a robust or clearly focused strategy—even a direction—in place.

Maureen Finn: Education is a massive opportunity to establish community cohesion and build relationships with the families that is not tapped into enough. Our successful consultations have always been undertaken as an extension of the education and school community. A lot of our health initiatives have involved sending oral health visitors into schools, which has had more impact in reaching out to communities than other health education programmes.

The Convener: I agree. I have anecdotal evidence of a primary school in my constituency that has good outcomes and good community engagement. There are parents from the community on the parent-teacher association and there is a transition to the high school, which also has good outcomes. We have an opportunity to highlight such good practice.

We are not finished with the topic—I think that our witnesses realise that. Mary Fee certainly is not finished with it, and nor should she be. The committee has a commitment to keep an eye on the issue. The evidence that we have heard has produced a few recommendations, which the committee will discuss. I hope that we can take them forward—that is the intention, but we will get back to you on that.

We thank you for coming today. We are well over time, but it was valuable to hear as much from you as we could. I have no doubt that we will speak again.

10:53

Meeting continued in private until 11:30.

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