



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Thursday 26 November 2015

Thursday 26 November 2015

CONTENTS

	Col.
“GYPSY/TRAVELLERS IN SCOTLAND” (SCOTTISH HOUSING REGULATOR REPORT).....	1
GYPSY TRAVELLERS (FOLLOW-UP)	24

EQUAL OPPORTUNITIES COMMITTEE

20th Meeting 2015, Session 4

CONVENER

*Margaret McCulloch (Central Scotland) (Lab)

DEPUTY CONVENER

*Sandra White (Glasgow Kelvin) (SNP)

COMMITTEE MEMBERS

*Christian Allard (North East Scotland) (SNP)

*John Finnie (Highlands and Islands) (Ind)

*Annabel Goldie (West Scotland) (Con)

*John Mason (Glasgow Shettleston) (SNP)

Drew Smith (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

John Jenkins (Scottish Housing Regulator)

Christine MacLeod (Scottish Housing Regulator)

Kathleen McNulty (Scottish Housing Regulator)

CLERK TO THE COMMITTEE

Ruth McGill

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Equal Opportunities Committee

Thursday 26 November 2015

[The Convener opened the meeting at 10:01]

“Gypsy/Travellers in Scotland” (Scottish Housing Regulator Report)

The Convener (Margaret McCulloch): I welcome everybody to the 20th meeting in 2015 of the Equal Opportunities Committee. I ask everyone to put any electronic devices into flight mode or switch them off. Apologies have been received from Drew Smith.

Under agenda item 1, we have an evidence session with the Scottish Housing Regulator on its new report, “Gypsy/Travellers in Scotland: A thematic inquiry”.

We will start with introductions. At the table, we have our clerking and research team, official reporters and broadcasting services. Around the room, we are supported by security officers. I welcome the observer in the public gallery. My name is Margaret McCulloch and I am the committee’s convener. I invite members and the witnesses to introduce themselves in turn, starting on my right. I also ask the witnesses whether they would like to make a brief opening statement at the same time, please.

Sandra White (Glasgow Kelvin) (SNP): Good morning, everyone. I am the MSP for Glasgow Kelvin and deputy convener of the committee.

Christian Allard (North East Scotland) (SNP): Good morning. I am an MSP for North East Scotland.

Annabel Goldie (West Scotland) (Con): Good morning, I am an MSP for West Scotland.

John Finnie (Highlands and Islands) (Ind): Madainn mhath. Good morning. I am an MSP for the Highlands and Islands.

John Mason (Glasgow Shettleston) (SNP): I am the MSP for Glasgow Shettleston.

Kathleen McNulty (Scottish Housing Regulator): I am assistant director at the Scottish Housing Regulator.

Christine MacLeod (Scottish Housing Regulator): I am director of regulation at the Scottish Housing Regulator.

John Jenkins (Scottish Housing Regulator): Good morning. I am regulation manager at the Scottish Housing Regulator.

The Convener: Thank you for coming along this morning to give us some information about your report. We will start with some questions from John Mason. *[Interruption.]* Sorry—do you want to give an update?

Christine MacLeod: Would that be possible?

The Convener: Yes—no problem.

Christine MacLeod: Thank you, convener, for the invitation to give evidence to the committee about our thematic inquiry into Gypsy Travellers in Scotland. Our sole objective as the Scottish Housing Regulator is to safeguard and promote the interests of tenants and others who use social landlords’ housing services.

This was the Scottish Housing Regulator’s first thematic inquiry into Gypsy Travellers in Scotland. We published our major report earlier this month and presented our findings and recommendations at a meeting of the Traveller Site Managers Association at the official Gypsy Traveller site at Bridgend in Stirling.

Our report on Gypsy Travellers in Scotland looks at social landlords’ management and maintenance of their official sites and how they are applying the Scottish Government’s Scottish social housing charter. We assessed the performance of the 20 social landlords in Scotland, who provide 29 official sites for Gypsy Travellers.

We spoke directly to Gypsy Travellers to hear about their experiences, as well as carrying out survey work with social landlords and analysing national performance information. We also considered evidence from other sources such as this committee’s inquiry into where Gypsy Travellers live. We recognise that Gypsy Travellers are hard to reach, so we were delighted that 49 Gypsy Travellers across five official sites participated in our thematic inquiry. That gave us important and valuable access to the individual experiences of Gypsy Travellers who use social landlords’ services.

We found that social landlords do not always apply relevant charter standards to their Gypsy Traveller services and sites, and that Gypsy Travellers in Scotland are not always receiving the standard of service that they should receive from their social landlord. We also found that some landlords are listening to Gypsy Travellers and are considering their particular needs, and our report gives examples of positive practice that landlords told us about.

We included recommendations for social landlords that are aimed at improving the quality and consistency of the services that are provided

to Gypsy Traveller site residents throughout the country. Principally, we recommended that social landlords apply all relevant charter standards and outcomes to residents of official Gypsy Traveller sites.

We recognise that the Scottish Government has recently published helpful guidance that sets out new minimum standards for official sites as well as core rights and responsibilities, and we think that those new site standards and responsibilities have the potential to make a real difference in improving services across Scotland. We called for all social landlords with official sites to act on our recommendations and to provide an equal standard of service to both Gypsy Travellers and social housing tenants.

We will provide feedback about our findings and recommendations to the Gypsy Travellers who took part in our inquiry. We intend to publish a version of our findings and recommendations for Gypsy Travellers, and we expect landlords to promote that information at their sites. We will also ask Gypsy Travellers about how we can best promote it among their community.

We will use the findings of our inquiry to determine whether there is a need for us to engage further with any individual social landlords specifically in relation to the charter standards and the services that are provided at their sites. We will also be keen to work with others and to contribute to their role in promoting implementation of the new standards.

Having completed our thematic inquiry, we now have an evidence base against which to measure future performance. We will build on that next year, through assessing landlords' annual returns on the charter, and we will be looking for evidence of improvement.

The Convener: Thank you—that was really interesting. We look forward to hearing your answers to our questions; John Mason will begin.

John Mason: That was a very interesting update, and I appreciated the report, which is encouraging. I think that you said that it is the first time that the Scottish Housing Regulator has produced such a report. Did any of your predecessors, such as Scottish Homes, ever release such studies?

Christine MacLeod: The predecessor bodies had a remit in relation to Gypsy Travellers and undertook what were called thematic inspections that were based on the standards and the legislation that applied at that time.

John Mason: You said that you had engaged, and you gave us a bit of information about that. I would be interested in hearing a bit more about that. Did you try to get Gypsy Traveller

representatives from across the spectrum? Did you find that some were more willing than others to get involved? It has been encouraging that we have had people engage with the committee, but we have sometimes felt that people are saying, "We've spoken to you a lot before but nothing has happened—why should we speak to you again?" I would be interested in hearing about your experiences.

Christine MacLeod: My colleague Kathleen McNulty will answer that question.

Kathleen McNulty: Our engagement with Gypsy Travellers in the inquiry was primarily through our national panel of tenants and service users, which we established in 2013 as an important way for us to engage and communicate with tenants and other service users. We used the national panel primarily to gauge priorities and individual experiences in order to shape our regulatory focus, and we were delighted that 48 Gypsy Travellers across five official sites in Scotland took part in the inquiry. That gave us a good range of views and information about their direct experiences of the services that they receive from their landlords.

John Mason: Can you explain what you mean by the term "panel"? When I think of a panel, I think of five people sitting at a table, but it is obviously not that. Is it a pool that you select people from?

Kathleen McNulty: Yes. The national panel is run independently by Craigforth, a social research organisation. In total, it has 430 members, some of whom are Gypsy Travellers. The panel is open to anyone who is a tenant of social housing or who uses the services of a social landlord in Scotland.

John Mason: Okay, but it was specifically the Gypsy Traveller folk who were commenting for the inquiry.

Kathleen McNulty: That is correct.

John Mason: Does the charter that you referred to apply across the board? I seem to be picking up that maybe some of the housing associations had not realised that it applies to Gypsy Traveller sites as much as it does to ordinary housing. Does it apply just as much?

Christine MacLeod: It does. The charter's purpose is to improve the quality of services that social landlords provide by setting out standards and outcomes that social landlords have to achieve. As a result, tenants know what their social landlord is required to provide to them.

There are 16 outcomes and standards. The 16th applies only to those landlords who manage sites for Gypsy Travellers; it states that the sites should be "well maintained and managed". A number of charter standards and outcomes apply to both

tenants and service users, and they say that explicitly. Some standards only apply to tenants, and they will say that specifically. The range of charter standards that apply equally to tenants and service users include those on equalities, communication, participation, value for money and rents.

We think that the charter, as it is set out, is clear. It specifically says that various standards apply to “tenants and other customers”. We do not think that a landlord would not be clear about those requirements.

John Mason: That seems quite clear. What would happen if a landlord had been a good landlord for the majority of their tenants but had forgotten about the Gypsy Travellers at the side? Would you pick that up when you mark or assess—or whatever you do to regulate—social landlords? Would you look at not just the majority but the whole thing?

Christine MacLeod: Yes. When we looked at landlords in the thematic inquiry, we were looking specifically—

John Mason: I was thinking more of your annual assessments.

Christine MacLeod: The information that we collect every year—social landlords’ annual returns—relates very specifically to the charter. They are annual returns on the charter. Our indicators and the statistical and performance information that we ask for are drawn from and link directly to the charter standards.

John Mason: My fear is that a landlord could appear to be doing quite well if they were doing quite well for 95 per cent of their tenants. The fact that they were not doing very well for the other 5 per cent—the Gypsy Travellers—could get lost in the statistics.

Christine MacLeod: When we look at the annual returns on the charter, we are looking for where there is compliance with charter indicators and where there is not compliance. We look for landlords that are performing less well—those that are in the bottom quartile. Out of 190 landlords, about 160 are registered social landlords. We specifically pick up on where each landlord sits on each indicator in comparison with other landlords.

This type of thematic inquiry is one of the best tools that we have available to look in depth at how a particular aspect of the charter is being addressed and implemented by social landlords. Last year we carried out our first thematic inquiry—into housing options. It was an incredibly important way for us to look at how that aspect of the charter was being delivered in practice. We took the same approach with this thematic inquiry.

John Mason: Are you hoping that this thematic inquiry will give a boost to housing associations? Our perception is that, at best, provision has been patchy across the country and some landlords could improve. Is that perception correct?

Christine MacLeod: Absolutely. The extent of our recommendations makes it clear that there is considerable room for improvement. I mentioned that we saw aspects of positive practice, so the picture is not completely negative—

John Mason: There are only positive examples in your report; there are no negative examples.

10:15

Christine MacLeod: You can take from our findings and recommendations that those are the areas where practice needs to be considerably improved. Our recommendations are quite strong and directive on the areas where we see that there is room for improvement.

The positive practice examples are useful—they provide balance. They share approaches that particular landlords are taking that other landlords can perhaps consider to see whether they can apply them to their own services and improve their practice.

John Mason: Thank you.

Annabel Goldie: I echo John Mason in saying that the report is hugely encouraging. I was struck by your 16 recommendations. The charter is of course advisory, but it is persuasive. If I were a housing association and I fell foul of you people, I would be losing sleep at night. Is the Scottish Housing Regulator’s authority enough to bring into line social landlords if your recommendations are not complied with?

Christine MacLeod: We can use statutory powers to compel action, if that is required. Our favoured approach in the first instance is to work with landlords to understand where the gaps are between what we and the charter expect and what is happening in practice, and for them to assure us that they understand and have in place plans to improve their performance. It is only if a landlord is demonstrating to us that they are either unable or unwilling to take action to improve that we would feel it necessary to use our powers.

We have here a powerful mechanism for achieving change. We have the charter and the Scottish Government’s new minimum standards, and we have the evidence and the recommendations from our thematic inquiry. We have a strong evidence base to push for and require improvement.

Annabel Goldie: It is a system with muscle.

Christine MacLeod: Yes—it is a way of being a catalyst for change and improvement.

The Convener: You have gathered information and identified action points that councils and social landlords must implement. Are they aware of those actions? If you go out and identify that they are not adhering to certain things, will they then have put those into an action point and address them in communication with the SHR? They would know where they are falling down and not meeting the standards—is that correct?

Christine MacLeod: Yes. I will let John Jenkins pick up on that.

The Convener: If they are aware of that, will you then follow that up at a later date to ensure they are implementing the action points and bringing the service up to the required standard?

John Jenkins: A main mechanism for us to achieve the improvement in standards is by making the individual landlords aware of the shortcomings that we have found. The report—deliberately—does not do that; it does not attempt to name and shame. A key mechanism for improvement will be our speaking to the individual landlords to have the conversation and to point out where the gap exists.

We will be contacting all 20 social landlords that the inquiry covered to give them tailored feedback on our findings. We are hoping that—we will certainly be asking them to do this—they ensure that improvement action is put in place to address the identified weaknesses. We carry out an annual risk assessment across all the regulated bodies. In future, that approach will feature in the assessment as the mechanism to drive the improvement process.

Sandra White: That answer touched on one of the issues that I was going to raise. You mentioned that you have identified social landlords that are not performing properly under the social charter. Paragraph 9 of your report sets out a huge amount on how unaware some social landlords are of the charter. You have put some recommendations in your report, for which I thank you. How do we ensure that social landlords are aware and that they pass on that information to their tenants?

John Jenkins: We are keen—when we spoke to our board, it was particularly keen on this—to ensure that the findings of the report are disseminated down to service users. We see the service users—the Gypsy Traveller community—as a driver for change if they are given the right information. We are keen to make the community aware of the message and the recommendations in our report, and to give them the tools to hold their landlords to account. We intend, rather than us coming up with our own ideas, to speak to

representatives of the Gypsy Traveller community to find out what mechanisms would be best to disseminate the recommendations in order to empower people in that community to hold their landlords to account.

Sandra White: Will one way of doing that be through the small report that you said would be sent out, rather than the full report?

John Jenkins: Yes. One thing that has come out of our conversations with people is that it is pointless producing a major piece of work and expecting every Gypsy Traveller in Scotland to read it. We have talked about introducing a one-page plain-English version that hits the key points and recommendations and that says what we expect to happen in terms of processes. That is one of the mechanisms that we are talking about.

We are also speaking to the Traveller Site Managers Association. The Gypsy Traveller community has highlighted to us the important role that local staff play in determining local circumstances. We feel that the site managers are important players and that we need to engage with them. It is about communication and ensuring that site managers are aware of the recommendations in our report, too.

Sandra White: I have a small follow-up question. I am pleased that you are going to the grass roots and speaking to the people who live on the sites. It is good that, rather than going from the top down, you are going from the bottom up.

If people feel that they are not being served properly by their site managers or the owners of the sites—the social landlords—would they complain direct to you? Obviously, for someone living on a site, it is difficult to complain about the person who is running the site. How will that work so that no one gets a knock-back, in that respect?

John Jenkins: That is an interesting question. We looked at complaints processes and it is one of the areas in which we found significant variation in the approaches of the social landlords to which we spoke. Some landlords very actively promote their complaints processes and ensure that Travellers are aware of the corporate complaints process to follow and the role of the Scottish Public Services Ombudsman. However, I must admit that only on rare occasions did we see that happening.

At the other end of the spectrum, we found landlords just relying on the details on their website, so service users would have to go there to discover how to make a complaint. There was quite wide variation, and we have made a number of recommendations about the need for much more of an even playing field in terms of people being made aware of their rights.

Again, it is about empowering the community to take action, because they are the people who directly experience the services and conditions on the sites. We wanted to ensure that they were made aware of the routes that are available to them in the event that they are unhappy about the response to a complaint.

I would say that the Gypsy Travellers themselves often see the local site staff as the key point of contact for their landlord. What has tended to happen is that a lot of complaints have been directed to the site managers or the local staff, because they are the main point of contact with the landlord and landlord services. That, again, goes back to a key pivotal role that can be played. If we can ensure that that mechanism is the first port of call and that complaints are dealt with satisfactorily in that way, that is wonderful. However, people need to be aware of the route that they can take when they are dissatisfied with the response to the matter that they have raised.

Christian Allard: Will you have a space for comments and feedback in the report that you mentioned, so that Gypsy Travellers can make positive observations about it?

John Jenkins: One of the benefits of having representatives of the Gypsy Traveller community on our national panel of tenants and service users is that we can go back to them at any point in the future. Just now, we carry out a comprehensive annual survey of all members of the national panel, and we supplement that with specific areas on which we want to question representatives further. I believe that we also use focus groups to sit down with members from the national panel from across Scotland so that we can have conversations with them that enable us to get more depth to our understanding than we would get by issuing a survey questionnaire. We have an opportunity to do that with the Gypsy Travellers; I hope that, in the future, we will use contacts through the national panel to speak directly to service users so that we can ensure that we know the views of the people who receive the services.

Annabel Goldie: I am interested in a couple of the indicators that you identified. One is pitch-rent variations, which one of my colleagues will deal with, and the other is satisfaction with the landlord's management of a site. It is encouraging that that seemed to improve between 2013-14 and 2014-15. I am interested in finding out what factors affect site residents' perceptions in terms of satisfaction. Can you shed a little more light on that?

10:30

John Jenkins: When the charter was brought into being, we commissioned research by

independent consultants, who went out to speak to Gypsy Travellers, to give us a better understanding of the priorities of that group of service users. We appreciated that services for and the needs of Gypsy Travellers could not be seen as being the same as services for and the needs of homeless people and tenants of social landlords.

The consultants came back to us with a series of findings in, I think, the summer of 2012. Some of the findings were not unsurprising, but were, possibly, predictable. Some related to being treated fairly and with respect, which Gypsy Travellers told us is important in their relationships with their landlords. However, at the end of the day, their main priorities were that they want to have a say in landlords' decision-making processes and they want communication with their landlord whereby they can present their views and have them taken on board, similar to the situation in a normal tenancy; most social tenancies provide such communication.

However, we found through speaking to Gypsy Travellers in the inquiry that very few of them could give us instances of their landlord directly asking for their opinion. Again, we have made a number of recommendations in that area because we realise how key it is in terms of the satisfaction of site users.

We highlighted another couple of areas, including the speed of responses. Again, Gypsy Travellers want to know that a repair will be dealt with speedily—similar to the situation of social tenants when they report that a repair is needed. We also found that value for money is very important to a specific group of Gypsy Travellers, for whom it is a very high priority in respect of what their rent represents in terms of services and standards on the sites that they occupy.

Annabel Goldie: That is very helpful. We know that the Scottish Government's minimum standards for site residents will be in place by June 2018 and you have noted that 13 social landlords plan to make improvements over the next two years.

I think that you have covered this matter slightly already in your evidence, but I just want to be clear about it because it seems to me that it is an area in which communication between landlord and site residents is very important. What we found in our previous inquiry confirms what you found: that the natural point of contact is probably the site manager, who is the person on the spot. However, that person might have limited authority or knowledge. How can we improve communication between landlords and site residents? The manager might be an essential conduit in that, but is there a need to broaden that dialogue?

John Jenkins: Obviously, methods of communication vary among landlords. Some are more effective than others, as we found when we spoke to Gypsy Travellers. We were keen not to be prescriptive in the report in terms of presenting something as a magic bullet for improving communications. At the end of the day, we chose to say in our recommendations to the landlords concerned that they should speak to their Gypsy Travellers and find out from them what form of communication would be best in the circumstances. The most effective solution will probably be communication that flows from conversation between the landlord and local representatives. I do not think that a prescriptive approach or a method that is imposed as a standard will work, simply because of the variety of landlords, the variety of sizes of sites and so on.

Annabel Goldie: That is very helpful. You also detailed that some social landlords were able to identify complaints relating to their sites but that others were not. I am quite surprised by that, so I would like your comments on it. Can something be done to encourage better complaints recording?

John Jenkins: We, too, were surprised by that—although possibly not too surprised, because we asked in our survey how many complaints had been received from Gypsy Travellers in the last twelve months. Some landlords were able to respond positively in terms of providing us with numbers, but others just ticked a box to say that they could not supply that information.

We followed up the survey responses with telephone conversations with the landlords concerned to try to get a better understanding of why that was happening: it appears that landlords do not see Gypsy Travellers as a specific group of service users. Complaints from Gypsy Travellers go into a pot—if I can describe it that way—of other complaints, but there is no tagging or any systematic process for highlighting them to ensure that they can be extracted. Because those complaints are not being separated or isolated and brought into an improvement process, they cannot be used as evidence to drive change and improvement, so one of the points that we have made in our recommendations is that landlords need to do more, not just with complaints but with feedback from Gypsy Travellers, to drive change and improvement through dialogue with their service users on the sites.

The Convener: In paragraph 68 of the report, you say:

“While some landlords provide site residents with comprehensive site handbooks, including details of the role and main duties of the local staff, others told us that they cover this at agreement sign-ups or post this information on the site. In contrast, a number of landlords told us that they have decided not to make this information available to

residents. Gypsy/Travellers we spoke to value a named contact for the landlord.”

Is not it a mandatory requirement to provide that information when anyone, regardless of who they are, signs a lease for a tenancy?

John Jenkins: I do not think that it is. Site managers, site staff or personnel—whatever title they have—are the key to success and are key to Gypsy Travellers’ perception, in terms of satisfaction. We were keen to explore whether landlords were actually making site residents aware of the site manager’s duties. We found the same issue arising with caretakers in multistorey blocks. On the notice board that you see when you walk into such buildings, some landlords have put up a picture of the caretaker for the block and a list of his main duties, showing what he does and where he can be contacted.

That was the type of thing that we had in mind when we were pulling the survey together. Some landlords were doing that and were happy to publicise to service users the local staff’s responsibilities, but we found others to be more reticent in that respect, and they came up with a number of reasons why they did not want to do it. If I were to put myself in a service user’s shoes, I would probably prefer to see that information.

We found that the Traveller Site Managers Association did not appreciate that different practices existed until we highlighted the issue in the report. It thought that such practice would be quite useful in making service users aware of what site managers do and do not do, and what they are and are not responsible for. As far as I am aware, however, the issue is not normally covered in the lease that service users sign; there is nothing in it that says specifically what the local site manager is responsible for.

The Convener: Were their reasons for not doing it justified, or have they been put into an action point for you to follow up at a later date?

John Jenkins: A variety of reasons were given, and some were less obvious than others, if I can put it that way.

The Convener: Is it in the action plan to be followed up?

John Jenkins: Yes.

The Convener: You will follow it up.

John Jenkins: The Gypsy Travellers have told us that the local named contact is really important to them. We have highlighted in the report that that is what landlords should be doing.

Kathleen McNulty: John Jenkins covered the point that we made it clear in the report’s recommendations that landlords should provide a named contact. We can measure that in future.

Sandra White: In responding to a question from Annabel Goldie about complaints, John Jenkins mentioned the variety of complaints and the fact that the highest number of complaints were about value for money for services that the Gypsy Travellers do not receive. Is that because some sites have much better amenities than others? The report mentions one of the Lanarkshire councils that provides a block where health and dental services can be accessed. How great are the differences between the various sites? Is that issue raised in complaints?

John Jenkins: That has not come through the complaints processes, but we were keen to investigate the services that were being provided, simply because we could see the dramatic variation in rents, which were between £40 and £80. We were keen to explore whether that reflected the provision of additional services by landlords and whether that was why there was such a variety of rents.

We found no correlation at all between high rents and lots of services. Services varied across the piece, so people were just as likely to receive an awful lot of services for a low rent as for a high rent. There was not the direct correlation that we thought might exist.

As far as I am aware, the issue was not raised through complaints. Most complaints related to the condition of the sites, as opposed to the additional services that were being offered on the sites.

Sandra White: There are a lot of differences in services between the sites. Some sites even provide mental health services or children's playgroups and so on. We are talking about guidelines but, as Christine MacLeod said, there are statutory powers. Should we be looking at making the provision of services such as a community centre, an amenity centre or health services statutory? Your report is very good on that but how could it work?

John Jenkins: It is very difficult. If you remember, there is a variation in the size of sites. Some sites consist of only four or six pitches. I know that a number of members have visited the sites and have seen that some of the bigger sites go up to 30 pitches. The economics of delivering in that context are difficult and I would be cautious about trying to impose a standard across Gypsy Traveller sites, especially given the huge variation in size and the geographic spread.

Annabel Goldie: Is there also an element of personal preference in some of the Gypsy Travellers when it comes to choosing a site?

John Jenkins: Absolutely. At the end of the day, they are consumers or, sometimes, customers. They want to exercise choice like everybody else.

The Convener: Part of your role is raising the awareness of social landlords that Gypsy Travellers are their customers and they have to provide a service.

John Jenkins: One of our recommendations talks about our wish to see landlords identifying and responding to the needs of Gypsy Travellers.

The Convener: Thank you. Kathleen McNulty wants to add something.

10:45

Kathleen McNulty: The charter sets out the outcomes and the standards that landlords must achieve, but it does not tell them how to do that. One of our recommendations is that landlords should engage with Gypsy Travellers on their sites to find out what those needs are and to deliver the services that meet the needs of users of their sites.

John Finnie: Good morning, panel. At this stage, many of the questions that I had planned to ask have been asked, so I will vary the questions that I intended to ask.

Thank you for your work and for the format of your report, which is tremendously helpful in the scheme of things. We have been addressing Gypsy Traveller issues for a number of years, and your report is an extremely helpful contribution. It is important that, rather than escalating matters by naming and shaming, you deal first and foremost with positive practice. I like that approach.

I want to ask about an issue that has been touched on, which is that of how landlords ask Gypsy Travellers about their services. It gives me an opportunity to name check an organisation in my area—the Argyll Community Housing Association or ACHA, as it is more commonly known. As you mention in your report, its approach is to have a Gypsy Traveller strategy. Although we know that that does not constitute a Scottish secure tenancy, ACHA is to be commended for providing

"equality of service and thus 'Right to Repair' and rent consultation as a contractual right."

It is, of course, important to say that that phrase probably means next to nothing to most of the residents, who want to know that they have a right to repair and to be spoken to.

How can we encourage that best practice? How can you share with other providers the fact that there is nothing threatening about that level of rights being afforded to their customers?

Kathleen McNulty: Social landlords now have the clarity of knowing that the charter standards apply to Gypsy Traveller service users. The direction from the Scottish Government on

minimum site standards and responsibilities makes it clear what they should be doing and what they should be talking to their residents about. We expect landlords to have regard to our recommendations, to consider how they apply them in their organisations to improve services and to talk to Gypsy Traveller services about the best way for them to do that.

John Finnie: It is encouraging that you have used the term “talk” twice, because there are high levels of illiteracy among the older Gypsy Traveller population—that is not a sweeping generalisation; it is to do with the education that was supplied in their time—and sending a detailed document is a waste of time. You would encourage one-to-one engagement.

Kathleen McNulty: Gypsy Travellers told us how important it was to them that they were asked for their views and that they got feedback on what happened or what the outcome of the process was. Throughout the inquiry, we heard from Gypsy Travellers about things that worked for them, which included simple things such as a suggestion box on the site and even just verbal feedback from local staff. One example that was given was the use of text messaging to ask questions or to pass information on to them. There are a number of ways in which good communication and engagement can be achieved.

As John Jenkins has already highlighted, the important thing as far as we are concerned is that landlords ask Gypsy Travellers who use their sites what will work for them.

John Finnie: Although a significant proportion of the residents on such sites are pretty stable in the sense that they will stay in one place for most of the time, their lifestyle is one of movement. How do people who move from one local authority area to another find out about and gain access to sites?

John Jenkins: I must admit that that was not an issue that we had addressed; it was one that came up when we talked to the site managers. They identified the fact that although there was a travelling community, each local authority and each social landlord tended to work in a silo. Each of them would say, “Here’s our site”, “This is where we are”, “Here’s our phone number”, and “Here’s how we allocate pitches”, but the information had never been pulled together in one document.

For the first time, the Traveller Site Managers Association has pulled together and published, using its own resources, a guide for Gypsy Travellers that contains in one document details of all the official sites in Scotland, along with all the contact details. That was not a huge piece of work, but it is to be applauded that the site managers identified a need and, through their own limited

means, responded to that need and produced a brochure that they can circulate to Travellers, which contains all the information in a useful, succinct form as opposed to their having to search through different websites and the like to get the information.

John Finnie: They are to be commended for doing that. I am sure that we will gain possession of that document. You have used the term “customers”, and Gypsy Travellers are, of course, customers. What makes them unique is the lifestyle that many would choose and the guide is an important recognition of that by the site providers. That is helpful.

Let me touch again on the issue of rent. There is great variation in rent levels. It is not entirely fair to make a comparison with bricks-and-mortar houses, but does any formula apply to bricks and mortar that might be in any way applicable to sites? The basic thing will be a pitch to put a trailer on, and there might be things on top of that. Is there a formula?

John Jenkins: At present, there is no formula in relation to rents for social houses. There is no common test or formula that is applied by all the social landlords across Scotland to arrive at an affordable rent for a particular house in a particular location. If it is not possible to have that for bricks and mortar, it is difficult to see a methodology that might work in relation to Gypsy Traveller pitches.

From our conversations with service users, it is clear that, for context when thinking about value for money, they immediately draw comparisons with the rents of social rented houses in their area. We were keen to understand that. The phrase “value for money” can be used quite loosely and is given different definitions by different people, but Gypsy Travellers made it clear that one of the key things in their judgment about the value for money of a pitch rent, whether it be £40 or £80, is a comparison with the cost of local social rented accommodation.

John Finnie: Does the wide variation in pitch rents also apply to the social rented housing in the respective areas?

John Jenkins: There are variations in rent. In Glasgow, there are 60 social landlords who all have different rents for their properties. The bricks and mortar are the same, but the services and things are slightly different. It is the same with Gypsy Traveller sites, as I have said. Some sites have community facilities and there are different arrangements for the provision of services. It is difficult to say that any two sites are equal for the purpose of comparing their rents because the services, the locations of the sites and the like are totally different. It is the same with bricks and

mortar—it is very difficult to come up with a formula that says what is important.

John Finnie: However, that might be a customer's expectation.

Kathleen McNulty: We did not compare average pitch rents with social housing as part of our inquiry, but we asked Gypsy Travellers what information they received from their landlord about their rent and what they were paying for. We also asked landlords how they approach setting their rents. A number of their policies referred to affordability, but in some cases we did not find any evidence of how landlords tested proposed pitch rents against that criterion.

We also asked landlords how they consult Gypsy Travellers on proposed increases to pitch rents. Some landlords do such consultation, but a number confirmed that they do not seek Gypsy Travellers' views on the rents that are set. We make a recommendation on that in the report. It is really important that landlords have that dialogue with residents on their sites so that the landlords understand what is affordable to the residents and to help them to understand what the money is used for.

John Finnie: Is there a need for greater transparency around price setting?

Kathleen McNulty: It is certainly a priority for Gypsy Travellers that they understand what their money is used for. In that respect, it is important that landlords make that information available to them.

Christine MacLeod: There is no formula for landlords setting rents for bricks-and-mortar houses, but many have a methodology for structuring the rents, whether it is based on size, location, the amenities that are provided or the type of heating and so on. What we were looking for but did not find—and what we think is needed—is a similar structuring and building up of the elements of pitch rents so that there is increased transparency for Gypsy Travellers as they move from site to site and they know what they will be paying and what the rent is for. That would help people to understand how the pitch rent is constructed.

John Finnie: Thank you all. That is helpful.

The Convener: You have probably partially answered the next question, but I would like you to pull together your comments for me, if you do not mind.

You say that some landlords have published service standards for their Gypsy Traveller sites, although only a few developed them in consultation with local site residents, and that a small number of landlords routinely measure performance against their standards and report

the results to site residents. What can be done to improve the way that landlords measure performance against their standards and report the results to site residents?

John Jenkins: As that process starts, it is important that the residents of Gypsy Traveller sites understand what service standards are about. We found in conversation with Gypsy Travellers that many of them did not have a wide appreciation of the importance of site standards for things such as response times and routine site inspections. Those things did not feature highly when we spoke to Gypsy Travellers. It was not until we started to explore the subject with landlords that we found that an awful lot of them did not have such standards in place, which is probably why the service users were not as aware of them as we thought they would be.

The important thing about service standards is that there is an engagement process and that they are developed in conjunction with service users. That takes me back to our point about talking. We need the landlords and the local residents to talk and to come up with a standard that is acceptable to both parties. Once the standard is in place, we expect to see it as a published standard that the customers on the site are aware of. We expect the landlord to measure his performance and report on it, and the service users can then hold the landlord to account, saying, "What is your performance like? You said that you were going to do X, but you failed to do it. How are you going to improve the situation and raise the standard of the service?"

The Convener: You spoke to landlords who were not aware of the importance of asking the questions and putting service standards in place. Were they aware that such standards are required for people who live in bricks-and-mortar houses? Do they apply maximum waiting times for repairs et cetera? Were they aware that the waiting times for people who live in houses are five days or 24 hours? If they implement those standards for folk who live in houses, what was their excuse for not doing that for Gypsy Travellers?

11:00

John Jenkins: To be honest, we did not explore that with them. We asked the question in the survey and if they said that they did not have a repairs target, for example, we contacted them to confirm that they had targets for their housing accommodation but not for their Gypsy Travellers site and we left it at that. We did not explore why they did not have in place the targets that we expected to see.

The Convener: Would it not have made the report much more powerful if you had asked those questions and put that information in the report?

John Jenkins: It is difficult to do that over the phone, and the survey follow-ups were done by phone. It is much easier to ask those questions in a face-to-face situation in which people have the ability to speak to managers or the like.

The Convener: Would their service agreements and information not be on their websites?

John Jenkins: Information on the houses will be found on landlords' websites, but there is very little information on them that relates to Gypsy Travellers. In our evidence gathering, we did a trawl of all 20 landlords' websites just using standard search titles such as "Gypsies" and "Gypsy Travellers" to see what was pulled out. However, there is very little on Gypsy Travellers targets, repairs and the like on landlords' websites.

Christine MacLeod: We are quite clear that landlords should be doing that. We did not explore any further the reasons why they were not applying repairs targets or other targets when they should have been because, whatever the reason is, it is not good enough. The recommendation is quite clearly that they need to provide information about when they will deliver a repair or another service—they need to set timescales and make it clear when repairs will be carried out. Trying to understand the reasons why they are not doing that would not have been a useful exercise for us.

Kathleen McNulty: We hope that, through the inquiry, we have now made it clear to landlords that those charter standards and outcomes apply to Gypsy Travellers as much as to social housing tenants.

Christian Allard: I want to go back and try to close down the conversation about the price of pitches on Traveller sites. I see that paragraph 40 of the report refers to charter indicators, social landlords and average weekly pitch rents. You have already told us that the picture is very complicated and that sites are very diverse. Is there any value in trying to find out more about why the average weekly pitch rent in an area can be double that in another one?

Christine MacLeod: There was no apparent link between the rents that were charged and the services that were provided. We were not able to get beneath the pitch rents that were charged to find out how they were built up and what they represented in respect of the quality or level of service that was provided.

Christian Allard: Could it be that the site providers just checked how much it cost them to run the site and then divided that figure by the number of pitches?

Christine MacLeod: Yes.

John Jenkins: That may be a factor, but the charter provision talks about an affordable rent. I have difficulty with a rent of £40 versus one of £80 and whether there is the same affordability for the individuals concerned.

Our recommendation in the report is that landlords need to have some form of systematic methodology for coming up with their rents that can stand up to scrutiny and is transparent. That is what we are trying to get to. When we explored how people had arrived at some of the rents, we did not find a great deal of evidence of any systems at all. In some cases, rents related to those for bricks-and-mortar properties, but it is difficult to understand how a Gypsy Traveller pitch could be seen as an equivalent of a three or four-bedroom house and why people judged that the rent for a house and a Gypsy Traveller pitch should be the same.

In our report, we have said that whatever is produced needs to stand the charter test, and the charter provisions are quite clear about the Scottish Government's expectations on affordability and the like. We are looking to see much more of an examination of rents by landlords and their customers to come up with a system that stands up to scrutiny.

Christian Allard: I have two points to make on that. First, we have not explored supply and demand—rents for bricks-and-mortar houses work the same way as rents for pitches; they are both about supply and demand.

The other point is that we have heard a lot about wanting landlords and Gypsy Travellers to have more conversations about rent charges. However, if you are a tenant, you do not want to talk to your landlord too much about the level of rent charges, because you know that, most of the time, the discussion will go only one way—towards a higher rent, not a lower one. I am a bit concerned about the direction that we are going in with that idea, especially when there are no statutory powers, just a recommendation. A recommendation to talk more about the level of rent charges could have adverse consequences, could it not?

Kathleen McNulty: It is about engaging people in dialogue and finding out what is affordable for users of sites. Landlords cannot factor that into their calculations, along with the other important factors that they must consider, unless they get views from the people who use their sites.

Christian Allard: That is a good point.

We have talked about affordability but do we know what an affordable rent is? Have we tried to put a figure on it?

Christine MacLeod: No. It is really for landlords to explore that, with their tenants in relation to houses and with Gypsy Traveller residents in relation to pitches. The landlord needs to understand what is affordable for those groups of service users and tenants.

Christian Allard: We can all agree that the picture is vague and that it is difficult to find out about affordability.

We have talked about diversity. Have you had any feedback from the Gypsy Traveller community that they would like more diversity in the ownership of sites?

Kathleen McNulty: That is not something that we looked at as part of the inquiry.

Christian Allard: But in your conversations, have you heard anything?

Kathleen McNulty: No. The message from the Gypsy Travellers we talked to—both in 2012 around their priorities and around specific aspects of the charter—was that the most important thing for them is to be involved in the decisions that their landlords make, for example about how investment is made in a site and if there are to be upgrades, what those might be.

Again, the theme is around understanding what the people who are using the sites want and need from their landlords. The discussion should encompass aspects of diversity as well.

Christian Allard: So in those conversations, there was no discussion of part-ownership or involvement from the Gypsy Travellers themselves?

Kathleen McNulty: That is not something that we covered as part of the inquiry.

Christian Allard: So you had no feedback at all on that.

Kathleen McNulty: Not as part of this particular inquiry, no.

John Mason: I want to follow up on the issue of affordable accommodation. For bricks-and-mortar houses, the landlord will have got a housing association grant, which will have brought the rent down to an affordable level. Does the same happen for Traveller sites? Can social landlords get HAG for them?

John Jenkins: In the past, there have been grants. I think that Argyll Community Housing Association received money from the Scottish Government a couple of years ago. Certainly in the past, Scottish Government money has been available. I am just trying to remember when that was. It was perhaps three years ago.

John Mason: That is all right; I was asking about whether it was possible in principle.

What will happen to the report? Will you revisit it, or will you, in your annual assessment, expect each social landlord to report back to you?

Christine MacLeod: There are a number of follow-up actions to the report that we propose to take immediately, some of which we outlined in our initial statement. Some we will take forward directly with Gypsy Travellers and others involve other stakeholders, such as the Scottish Government, the Association of Local Authority Chief Housing Officers and the Travellers Site Managers Association Scotland. Furthermore, in the coming year, we will be considering the annual returns from landlords and will be looking to see whether there has been a shift in satisfaction levels and looking for greater consistency around pitch rents. We will also be following up findings with individual landlords who were part of the thematic inquiry, looking to see progress and improvement there.

Annabel Goldie: I have a brief, arithmetical question. Where a social landlord has more than one site, is there a variation in the pitch charge for different sites? I realise that an average was extrapolated in table 2, at paragraph 40, but it might have involved simply adding up all the numbers and dividing them.

John Jenkins: That information is an average figure. We would not know about any variation from the annual return on the charter. What happens is that each landlord makes an annual return and provides the total amount of rent and the total number of pitches, and the computer produces a number for the average rent. We would not be able to tell from the annual return on the charter whether there was a different rent regime across, for example, Argyll Community Housing Association's three sites in Argyll.

Annabel Goldie: Would that information be helpful?

John Jenkins: It is probably something that we could ask for. I would not have thought that there would be a difference, but we can check.

Annabel Goldie: I just thought that it might illustrate whether there was a certain policy attitude.

John Jenkins: Yes.

Sandra White: A social rented tenant who feels that their rent is too expensive can go to the fair rent regulator. Does someone who feels that their pitch rent is too high have the same recourse?

John Jenkins: No. As far as I am aware, there is no recourse in relation to that.

The Convener: As there are no further questions, I thank everyone for their contributions and suspend the meeting briefly to allow the witnesses to leave the room.

11:13

Meeting suspended.

11:16

On resuming—

Gypsy Travellers (Follow-up)

The Convener: Agenda item 2 is consideration of Scottish Government correspondence and the Scottish Parliament information centre update paper on Gypsy Travellers, EO/S4/15/20/5.

We have just heard evidence from the SHR in respect of the Gypsy Traveller report that it prepared following its thematic inquiry, and we have the background briefing that SPICe has prepared on all the action that has been taken by the committee and the Scottish Government to date in respect of our inquiries into Gypsy Travellers. Members have also received a letter from the cabinet secretary in response to correspondence that we issued on 30 September 2015. I ask the committee what action it wants to pursue.

Annabel Goldie: I put on record my appreciation for the evidence that we have just heard from the witnesses from the SHR. Its report will be the foundation for future comparisons. That is a welcome contribution to the debate.

It seems to me that, on the back of what we have heard from them and the SPICe briefing—which is an excellent compendium of what we have heard, for which I thank SPICe—we should have another evidence-taking session.

John Finnie: I agree.

John Mason: Who would we have an evidence-taking session with?

The Convener: We can discuss that. The clerks can produce a paper for discussion at our next meeting.

John Finnie: I absolutely concur with what Annabel Goldie said about our previous witnesses. Row 26 of the table on page 21 of the SPICe briefing says:

“Need clear leadership to ensure distinct needs of Gypsy/Travellers are covered”.

The fact that there is nothing in the column detailing the actions taken suggests that there is some way to go in that regard. I hope that we can get a minister in to discuss progress at some point.

The Convener: Does the committee agree to ask the clerks to draft a paper for our consideration?

Members indicated agreement.

The Convener: That concludes today's meeting. Our next meeting will take place on Thursday 10 December.

Meeting closed at 11:19.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

Information on non-endorsed print suppliers
Is available here:

www.scottish.parliament.uk/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@scottish.parliament.uk
