

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 27 March 2001
(Morning)

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EQUAL OPPORTUNITIES COMMITTEE

7th Meeting 2001, Session 1

CONVENER

*Kate MacLean (Dundee West) (Lab)

DEPUTY CONVENER

*Kay Ullrich (West of Scotland) (SNP)

COMMITTEE MEMBERS

*Linda Fabiani (Central Scotland) (SNP)

*Mr Jamie McGrigor (Highlands and Islands) (Con)

*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)

*Cathy Peattie (Falkirk East) (Lab)

*Elaine Smith (Coatbridge and Chryston) (Lab)

Mrs Margaret Smith (Edinburgh West) (LD)

*attended

WITNESSES

Mr John Angus (Convention of Scottish Local Authorities)

Mr Frazer Campbell (Edinburgh and Lothians Racial Equality Council)

Mrs Christine Carmichael (Travellers Site Managers Association)

Mr Jim Duffin (South Lanarkshire Council)

Mrs Jeannie Felsinger (Grampian Racial Equality Council)

Mr Lindsay Freeland (South Lanarkshire Council)

Mr John Gormley (North Lanarkshire Council)

Mr Brian Kane (Travellers Site Managers Association)

Mr Kevin McGowan (North Lanarkshire Council)

Acting Chief Constable Kenneth McInnes (Association of Chief Police Officers in Scotland)

Mr John Mills (Fife Council)

Mrs Jessie Wallace (Travellers Site Managers Association)

Nel Whiting (Edinburgh and Lothians Racial Equality Council)

Dr John Wrench (Lanarkshire Health Board)

CLERK TO THE COMMITTEE

Lee Bridges

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Roy McMahon

LOCATION

The Chamber

Scottish Parliament

Equal Opportunities Committee

Tuesday 27 March 2001

(Morning)

[THE CONVENER *opened the meeting in private at 10:03*]

10:17

Meeting continued in public.

The Convener (Kate MacLean): Item 2 on our agenda is on items in private. Does the committee agree to take items 5 and 6 in private?

Members *indicated agreement.*

Travelling People

The Convener: Item 3 on our agenda is our inquiry into travelling people and public sector policies. We are taking evidence from a number of people today. The first witness is Acting Chief Constable Kenneth McInnes from the Association of Chief Police Officers in Scotland, whom I thank for coming along this morning. ACPOS has given us a written submission, which should have been circulated to members with their other papers. I understand that our witness will give a short presentation and then take questions from members.

Acting Chief Constable Kenneth McInnes (Association of Chief Police Officers in Scotland): I will provide a short addition to the written submission.

ACPOS welcomes the opportunity that the inquiry provides. We welcome the recommendation made by the advisory committee on Scotland's travelling people in its ninth term report that the local authorities should agree procedures with the police to deal with unauthorised encampments as part of mainstream community planning. Forces are working with local authorities in developing new guidance—that represents the collaboration that is intended in the recommendation. There is nothing more that I want to add at this stage, except to say that I am happy to answer questions.

Cathy Peattie (Falkirk East) (Lab): What impact have the European convention on human rights and the Stephen Lawrence report had on police planning and protocols in working with Gypsy Travellers?

Acting Chief Constable McInnes: The focus under the ECHR is on two articles: article 8, which deals with the right to respect for private and family life; and article 14, which states:

“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as ... association with a national minority”.

Those two articles are fundamental to the way in which we would treat the issue.

The Stephen Lawrence report does not touch specifically on travellers, but the police recognise that the issues that have been developed in the ACPOS racial diversity strategy and in training should take account of travelling people.

Cathy Peattie: Your paper refers to the need for national guidelines. How would you ensure that any national guidelines would be used and that there would be realistic monitoring of their use in the police force?

Acting Chief Constable McInnes: We would

welcome commonality across all local authorities. The recommendation that we work with local authorities to develop procedures is sound. The only additional element that we want is a means of providing the best level of commonality across the local authority areas. We share with everyone the wish that travelling people be treated in the same way wherever they are.

Cathy Peattie: The themes that will run through this morning's evidence are joined-up working and strategic planning. How can the police be involved in that? In your paper and some of the other reports, it seems as though the police are brought in only when there is a crisis or a difficulty, which perhaps gives travelling families an image of the police that you may not want.

Acting Chief Constable McInnes: The police should be involved at all times. We have a part to play in the way in which we communicate information to the relevant people in the local authority to ensure a completely consistent approach through all the different agencies. Although the police should be involved to ensure representation on public order issues, that does not mean that we should be brought in only at the last minute.

Cathy Peattie: What kind of awareness training do the police have on issues relating to Gypsies and travelling families?

Acting Chief Constable McInnes: Until now, there has been no specific awareness training on those issues. Each force will have policies that have been developed around tolerance issues. Issues relating to travelling people will now be incorporated into racial diversity awareness training across all forces—those issues will be part and parcel of diversity awareness.

Kay Ullrich (West of Scotland) (SNP): In another life, I was a hospital social worker. I have an abiding and somewhat unfortunate memory of how the police dealt with a travelling family. The senior member of the family was dying in the hospital and the family had gathered from far and wide to be at his bedside. The local police and police from outwith the local area decided that that would be a wonderful opportunity to exercise outstanding warrants and duly appeared at the hospital for that purpose. I was horrified at the time, which was more than 10 years ago. Can you comment on that and assure me that that sort of thing would not happen now, given what you have said about raised awareness and respect for family life?

Acting Chief Constable McInnes: I cannot comment on what you have just said, as I do not know the details. Clearly, the police have addressed situations in different ways at different times. I would be the last to suggest that the police

have taken a totally consistent approach over the years and I believe that it is important that we ensure maximum consistency. There is now a heightened awareness of issues associated with human rights; the police have made major efforts in the past two years to ensure that human rights are inculcated into all our policies and all our procedures. In our policies of toleration and non-harassment, we have become increasingly aware of issues relating to travelling people—I believe that our current approach to travelling people shows that we have learned from past experiences. The inclusion of issues relating to travelling people in diversity training should lead to greater consistency. I hope that the situation that you described would not be typical.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): In England and Wales, the Association of Chief Police Officers, the Home Office and the Department of the Environment, Transport and the Regions have guidance on how to deal with unauthorised camping. Do you believe that ACPOS requires additional guidance on dealing with unauthorised camping?

Acting Chief Constable McInnes: The Association of Chief Police Officers in England and Wales has traditionally worked towards the development of national policy; ACPOS has dealt with matters differently. Each force in Scotland has worked on its own policy, depending on different issues. It is open to debate whether there is a need for a policy for ACPOS, but the policy that has been adopted in England and Wales would seem to offer the type of approach to which all police forces in Scotland would be happy to sign up.

Mr McMahon: We have spoken to a number of people from travellers sites in the course of our inquiry. They intimated to us their concern that legislation that was introduced to deal with new age travellers has impinged on the rights of the traditional travelling community. Has that posed any operational difficulties for you?

Acting Chief Constable McInnes: The issues surrounding legislation and travelling persons are difficult. We need to treat the matter very carefully for each separate situation that arises. The legislation associated with new age travellers, which was introduced in the mid-1990s, provided a new area of law for the police to operate in. Through consultation with the Crown Office, I can say that the use of that legislation has been clarified: police officers should not be using inappropriate legislation.

Linda Fabiani (Central Scotland) (SNP): Your submission mentions

"Interaction between police and travelling people"

in general terms and refers to

"complaints of impromptu settlement on land they have no authority to be on."

Can you clarify whose land travelling people generally stop on? What is deemed to be unauthorised land? How often do cases arise involving travelling people settling on certain pieces of land? What legislation is generally used to move travellers on from what is deemed to be unauthorised land?

Acting Chief Constable McInnes: Unauthorised land, according to my understanding of the phraseology that has been used, is any land that is outwith an authorised site. It could be anywhere. I do not have the details that you seek; we do not keep detailed records specifically for our involvement with travelling persons. It has never been such an issue as to have been raised to that level.

A range of legislation applies, including trespass acts and the Criminal Justice and Public Order Act 1994—the legislation that relates to new age travellers, which was referred to earlier. The legislation is used in very few circumstances. There has been clear recognition over the past few years that the only way in which we can properly address the issue of travelling persons is to work with local authorities. Our liaison with local authorities is the most important aspect. The police act in matters of a criminal nature or of nuisance, relating to complaints from the settled community. The police would become involved only very sparingly with issues associated with unauthorised land.

The Convener: There are no further questions, so I thank you for coming to give the committee evidence today.

Our next witness is from Lanarkshire Health Board. I welcome Dr John Wrench, whose written submission has also been circulated to members. I understand that Dr Wrench will give a short presentation, then take questions from members.

10:30

Dr John Wrench (Lanarkshire Health Board): Thank you. I thank the committee on behalf of Lanarkshire Health Board for this opportunity to address you.

Lanarkshire Health Board's work involving the health of travelling people is focused on a project at Glenboig, a small village near Airdrie. We have developed an outreach clinic to take services to the travelling people who live there and to work closely with one of the general practices in the area.

The main sources of input to that clinic have been a health visitor, a district nurse and a social worker. A small, multidisciplinary working group

has been set up, with representation from health visiting, social work, the travelling people themselves, community education, Lanarkshire Health Council and the local health care co-operative. That input has been helpful in progressing with the project, in trying to monitor it and in assessing the key needs of the travelling people. Various issues have arisen from that work, which we have detailed in the paper that we have circulated.

The project is relatively small and it is difficult to assess accurately the numbers of families and of individual travelling people whom we are dealing with, but between 50 and 100 people may be involved, depending on the actual number of caravans in the Glenboig and Airdrie area.

I am happy to take any questions.

Kay Ullrich: The three-year project that you have commenced focuses on problems that we have encountered in submissions from Gypsies and travelling people, in particular their being unable to register with a general practitioner. For example, they are not able to secure emergency visits from GPs. Are you addressing that?

Dr Wrench: Yes. We are aware of the problem of access to services. General practitioners' services are a particular issue in Lanarkshire for travelling people—as well as for homeless people—of which we are aware. We have had good support from the local GP in Glenboig, as well as from GPs in Airdrie and Coatbridge.

Your point is relevant. The issue is very much one of education and awareness raising, in relation not only to the GPs but to the receptionists and other staff. The issue of stigmatisation and of how people are treated is important. The initial contact with services is vital and can make the difference between a person's feeling that they are welcome, and that they want to carry on with the service, and their feeling rejected. We are addressing that issue through the project.

There are wider implications for how we deal with that issue throughout Lanarkshire. We are also trying to do that in relation to homeless people.

Kay Ullrich: You mentioned that a social worker is involved in the project. I am particularly interested in community care. Do you have figures for referrals of travelling people to community care services?

Dr Wrench: I am sorry, I do not have such figures. I believe that Mr Kevin McGowan, of North Lanarkshire Council, who is the social worker involved, will give evidence to the committee later. He may be able to give you further detail.

Kay Ullrich: In that case, I will leave it. I shall ask Mr McGowan those questions.

Elaine Smith (Coatbridge and Chryston)

(Lab): Thank you for coming, Dr Wrench. I am afraid that I must start by taking slight issue with your submission, because Glenboig is in my constituency, not in Airdrie. However, your submission also mentions

“the Annathill site in Coatbridge.”

I have a couple of questions about the project. First, you say in point 10 of your submission:

“The programme will be monitored and evaluated throughout its duration.”

The programme is supposed to be evaluated towards the end of this year. Can you give us any up-to-date information on it? If you cannot do that today, could the committee have access to any of the monitoring and evaluation that has been going on?

Secondly, you said that some 50 to 100 families were involved in the project. How many people or families have been involved? Have the same people been involved right from the start of the project in 1998 and will they be involved to the end of 2001? If families move on from the site at Glenboig, do you follow them to continue the project? Do you involve new families in the project when they arrive on the site at Glenboig?

Dr Wrench: I will take the last point first. You have touched on follow-up and maintaining contact. That is important.

One of the issues that the project has thrown up is contact. My colleagues who are involved in the project have told me that consistency and continuity of contact are absolutely vital. In the project, we have found that the travellers welcome having a named person—a friendly, kent face—such as the health visitor, district nurse and social worker. The difficulty arises when the travellers move on to a different area. How do we make contact, communicate and network if they have health problems in another area?

That raises the issue of developing a national network. Do we need a co-ordinated network of health care workers and others who are in contact with travelling people nationally? There is an analogy with homeless people and rough sleepers, with whom I also work closely. There is a network of health care workers who work with homeless people and a homelessness co-ordinator for Scotland. Those are positive initiatives. Perhaps we should think about how to do the same for travelling people.

I will be perfectly honest about numbers. The difficulty just now is that health visitor input to the project has run into some difficulties because the health visitor who was involved initially has moved

to a different area. We hope that that person will be able to continue their input. We also hope to have a new health visitor to give additional input to the project.

We do not as yet have any meaningful evaluation figures, but we certainly aim to have such figures by the end of 2001. I would be happy to make those figures available to the committee. The numbers that I gave are very much an estimate and have been given by others. The figure of 50 to 100 relates not to families but to individuals. Mr McGowan may be able to give the committee more detailed and up-to-date figures for those who have been seen by the clinic.

The number of people who are coming through the project is relatively small. Initially, the project was focused on the travellers who were living in the Glenboig area. I believe that additional caravans have moved on to a site in Airdrie, so the numbers in recent months have probably increased. Initially, probably about 20 to 30 people came along and were seen regularly.

Elaine Smith: Will the problems with the health visitor mean that the project will have to continue for longer than the end of this year? Does the project deal only with travellers who are on the site at Annathill—you mentioned that a site in Airdrie is now involved—or does it include travellers who live in the community in council houses, for example?

Dr Wrench: As I understand it, the project would deal with any travellers who were in the immediate geographical area, within the logistical limits of the project.

We hope that the problems with health visitor input will not in any way compromise the project. We will consider at health board level whether the project requires further funding to allow it to go on for longer than three years. I would like to consider that and, if necessary, put a case to the board for help with continued funding.

Cathy Peattie: Thank you for your submission, which I found helpful and interesting. I will pick up on one or two of the issues it mentions—I may be starting where Elaine Smith left off.

You mention patient-held records and how they might be used. Is there a need for a national network for those too—perhaps some kind of information technology link—so that if people had their patient-held records, they would be able to link in? Have you any thoughts on how that could work?

Dr Wrench: Developing patient-held records is important. It is important that we have some sort of mobile, robust record that people can keep, especially when we are dealing with a highly mobile population that may well move on to

different areas, different health boards or even to health authorities in England. In our primary care trust in Lanarkshire, we have been developing a patient-held record for child health. As I understand it, we have developed that for the use of the travelling families in the area.

It would be important to consider such a record at national level. Perhaps that could link in with consideration of a national network of health care and health care professionals who work with travelling people. A hand-held or patient-held record might be developed as part of that.

To give an example, a patient-held record is important as a basic means of recording information such as the immunisation status of young children. It is important to know that status so that, when the family and child move on, the different health authorities know exactly what cover the child has.

Cathy Peattie: You spoke about the project being monitored and evaluated. What role have Gypsy Travellers had in that monitoring?

Dr Wrench: As I mentioned in the submission, the working group that has been set up made a point early on of talking to the travelling people in an informal setting to get their views on what some of the key health issues are. I mentioned those issues in our submission. We have touched on some of them already, such as the need for a personal, named contact; the need for patient-held records; the issues that are raised by immunisation; or the issues that are raised by drugs and alcohol.

The travelling people had an important input in highlighting some of the issues that need to be addressed. There is no doubt that some of the key issues that we intend to monitor and evaluate are those that the travelling people raised.

Cathy Peattie: I appreciate what you are saying, but good monitoring and evaluation of a project need to involve the stakeholders. How will you check back with people to find out whether you have delivered what they asked for and addressed the areas that they identified?

Dr Wrench: We would very much want to incorporate direct feedback from the travelling people into the evaluation.

Cathy Peattie: I have one more point. I could probably ask another hundred questions, but I will not. Your submission mentioned the need for training. What role do you think the Gypsy Travellers could play in delivering training? They know best what they require and the attitudes that they expect from people.

Dr Wrench: Again, there is an analogy with homeless people. Initially, we addressed training by getting groups of key people, such as health

visitors and primary care staff, to meet a group of homeless people in Lanarkshire who were attending one of our drop-in centres. We had an open discussion about the practical difficulties that the homeless people had had—specifically in registering with GPs—such as how they were received by reception staff, the type of attitudes that they perceived, the feeling of stigmatisation and alienation. Those difficulties were discussed openly.

We may have done some of that with the travelling people, to be honest. However, in developing further training for staff, we could use a similar approach and involve the travelling people.

Cathy Peattie: Finally, would you suggest that it is a project that other health boards should consider getting involved in?

Dr Wrench: It is a model that has developed in our area as a result of the fact that travelling people have traditionally lived around Glenboig, Airdrie and Coatbridge. It could be developed to deal with groups in other well-defined localities.

10:45

Linda Fabiani: Like Cathy Peattie, I am concerned about the on-going monitoring. We are two thirds of the way through the project, yet it seems that there has been only one meeting with the travelling people. Are the staff who are taking part in the project constantly evaluating it?

Dr Wrench: Yes, informally. I am not as familiar with the front-line details of the project as Mr McGowan and others are; they would be able to give you more detailed information. When the project group was set up, an initial meeting took place to involve the travelling people and to get their views on needs assessment. My impression is that there has been continual informal assessment, contact and dialogue between the health care workers and the social worker who is involved in the project.

I take your point that we must be careful to come up with the goods in the formal evaluation. We focus on that in our schedule up to the end of 2001. The board will become increasingly involved in the project and will help in any way that it can to ensure that the structured evaluation is completed by the end of this year.

Linda Fabiani: I take it that the Travellers will have an input into that evaluation.

Dr Wrench: Yes.

Linda Fabiani: I have been impressed by the homelessness project that has been carried out by Lanarkshire Health Board. How much of that is an outreach service for the Travellers? How often do health professionals have to undertake on-site

visits, and how many Travellers will now visit the doctor or dentist?

Dr Wrench: I cannot give exact figures. The feedback from Dr Bawa's practice in Glenboig suggests that the Travellers feel that they have easy access to the practice and that they are well received there. In general, they do not feel that the stigma or barriers that they have perceived and encountered in general practices elsewhere exist there.

You will appreciate that many Travellers are registered with general practitioners elsewhere or are unsure with whom they are registered. However, Dr Bawa will take people on as temporary residents or will register them if they feel that they are going to stay in the area for a considerable length of time. Locally, the outreach work that has been undertaken and the contact with Dr Bawa has made it easier for families and individuals to register and make contact with that practice. However, we are talking about only a fairly small number of people.

Linda Fabiani: I think Elaine Smith asked whether you thought that it was a good idea for other health boards to adopt such a project. Has Lanarkshire Health Board considered extending the project to other areas of its operation—for example, into South Lanarkshire? I know that there is a Travellers site at East Kilbride.

Dr Wrench: That is an important issue. There have been travelling people in and around the Larkhall area of South Lanarkshire from time to time. At one stage, a health visitor was undertaking outreach work with those people. I may be wrong, but I do not think that that work is continuing. That is one of the reasons why I would like the project to be considered at a strategic level by the health board. If the evidence suggests that there is a significant number of travelling people in South Lanarkshire, we will want to extend or develop the model there as well. I believe that a representative from South Lanarkshire Council, who may be able to give you further information on that, will be attending the committee today.

Linda Fabiani: Thank you.

The Convener: Thank you very much for giving evidence to the committee.

The next group of witnesses is from the racial equality councils. We welcome Jeannie Felsinger, from Grampian Racial Equality Council, and Nel Whiting and Frazer Campbell, from Edinburgh and Lothians Racial Equality Council. Thank you for agreeing to give evidence to the committee. All members have received your submission with their papers. I understand that each of you will give a short introduction, after which you will take questions from committee members.

Mrs Jeannie Felsinger (Grampian Racial Equality Council): Good morning. My name is Jeannie Felsinger and I work as a complainant aid worker at Grampian Racial Equality Council. I assist folk who have complaints of discrimination to resolve those complaints and, if necessary, to take them further legally. I have submitted to the committee six case studies, which provide a cross-section or flavour of the kind of complaints that we deal with at Grampian REC. My work covers the whole of the Grampian and Highland regions, so the case studies come from a wide geographical area.

Mr McMahon: You have submitted information relating specifically to racial harassment, and you highlight concerns that are being raised over the effectiveness of social work and the housing departments in tackling harassment—specifically regarding the delay in rehousing or finding appropriate accommodation for people who have been harassed and in taking action against those who perpetrate harassment. What should be done to address those concerns, not only in Grampian, but in all local authorities in Scotland?

Mrs Felsinger: We heard from ACPOS that the police have a greater awareness of discriminatory elements that can creep into practice. That is true, but a heightening of that awareness is still required. For instance, an examination of police cultural awareness manuals and documents will show that they contain no references at all to travelling and Gypsy people, although we are in the post-Lawrence age. References to such people must be included in those documents.

It still remains lawful to discriminate against Scottish travelling people—not Gypsies but Scottish Travellers—because they are not an ethnic group as such. I have no doubt that, were a case to proceed through the courts, Scottish travelling people would merit ethnic group status. Issues such as lawfulness and unlawfulness play a part in not eradicating the discrimination.

Mr McMahon: A national forum for the provision of services has been mentioned. Do you have any view on how that would work? Would a national forum be a good thing?

Mrs Felsinger: I have not heard of a national forum. Will you outline it?

Mr McMahon: There is no such forum, but it has been suggested in evidence that we have taken and information that we have received that the only way in which things can be co-ordinated is by the creation of a national forum.

Mrs Felsinger: Much of our work involves outreach work, which demands being prepared to travel. Centralisation would cause me concern because we require workers on the ground to go out to the complainant. Wherever the forum is

located, it would need to have workers throughout rural and urban areas.

Mr McMahon: Convener, I also had some questions for the witnesses from the Edinburgh and Lothians Racial Equality Council.

The Convener: I should have asked the Edinburgh and Lothians Racial Equality Council representatives to make a short submission before we started taking questions. Perhaps they could do that and then questions could be addressed to any of the panel. I am sorry; that was my fault.

Nel Whiting (Edinburgh and Lothians Racial Equality Council): I would like to pick up briefly on something that Jeannie Felsing mentioned, which the Edinburgh and Lothians Racial Equality Council also feels is important to improve services for Gypsy and Traveller people. The advisory committee's final report found it difficult to accept Scottish Gypsy and Traveller people as an ethnic minority group within the terms of the Race Relations Act 1976. The report quoted a lawyer from Wales—my home country—who could not accept that Scottish Gypsy and Traveller people could be a minority in Scotland.

Two major legal decisions make that lawyer's statements and denials quite anomalous. First, members will be aware of the Court of Appeal decision that Romany Gypsies are covered by the Race Relations Act 1976 as an ethnic minority group. Secondly, it was recently decided at the preliminary hearing of a case that was taken by Irish Travellers against Punch Retail—a pub group that had banned the Irish Travellers from entering its premises—that the Irish Travellers were covered by that act.

In both cases, the courts followed the guidelines that were set down by the House of Lords in 1983 in the case of *Mandla v Dowell Lee* on what constitutes an ethnic group. To be considered as an ethnic group under the act, a group must

“regard itself, and be regarded by others, as a distinct community by virtue of certain characteristics. It is essential that there is (1) a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive; (2) cultural traditions of its own, including family and social customs and manners”.

In summing up in the recent case against Punch Retail, His Honour Judge Goldstein said:

“Modern Irish Travellers are guided by the culture and traditions which have been handed down by generations. They do not go around reading history books, they practise it.”

The same could be said for the Scottish Gypsy and Traveller community. If the Scottish Gypsy and Traveller community was dealt with as an ethnic minority that was covered by the Race Relations Act 1976, that would affect the way that policy is created. The recommendations of the

Macpherson report would also have an impact. That would be a great step forward in the way in which services are generally provided to those people.

The Convener: If Mr Frazer Campbell does not want to add anything, I will open up the meeting for questions.

Linda Fabiani: I will follow on from that point. I was going to ask about the confusion that surrounds the status of Travellers, but I have listened to your comments, and your organisations seem to be clear on the definition of Travellers.

In my extremely limited experience of speaking to travelling people, I have picked up that Scottish Travellers—at least, those whom I have met—find it ridiculous that they are thought of as an ethnic minority, because they are Scottish. A couple of Scottish Travellers whom we met recently reacted strongly to that and went so far as to say that they would find it offensive to be classified as an ethnic minority. What discussions have you had with Scottish Travellers about that? What vibes have you picked up?

11:00

Mr Frazer Campbell (Edinburgh and Lothians Racial Equality Council): I have worked with the Scottish Gypsy Traveller Association and the Gypsy Travellers whom I have met seem to consider themselves an ethnic minority. They think of themselves as an oppressed minority in Scotland.

It is obvious that people will have different views, but those whom I have met would welcome official recognition as an ethnic minority.

Nel Whiting: My experience is similar to that of Frazer Campbell, as we work for the same organisation. Sometimes, the semantics can get quite difficult. People may assume that those who are described as an ethnic minority are black or Asian people. In the same way, the word “black” has been generally accepted as a politically correct term to cover a group of people who might face racial discrimination, although a 50-year-old Pakistani woman would say, “But I’m not black.”

Everyone is different, but, in my experience, Scottish Travellers view themselves as an ethnic minority group. For the purposes of case law, they have a long shared history, shared culture and so on. In that sense, they certainly fall within the remit of the law.

Jeannie Felsing: Clients who approach Grampian Racial Equality Council come to us because they believe that they have been racially discriminated against.

Mr McMahon: My next question is primarily for

the representatives of Edinburgh and Lothians Racial Equality Council.

In the preliminary evidence that we took last year, the area around Edinburgh was highlighted as a problem because of unauthorised camping. Are the facilities and amenities that are provided in Edinburgh particularly poor in comparison with other areas? Should a national agency be responsible for setting site provision and for site management, or should those issues be left to local authorities? If local authorities do not know what the level of provision should be, is it more difficult for them to act alone?

Mr Campbell: To answer the first part of your question, we have concentrated on the facilities in Edinburgh because those are the facilities that we receive most complaints about. Each local authority has different standards, and, to answer the second part of your question, a national standard and policy on how Gypsy Travellers sites are set up should be implemented, as should a policy on roadside encampments.

Mr McMahon: From the evidence that we took last year, we are aware of the perception—whether accurate or not—of a particular difficulty in Edinburgh, given the proliferation of unauthorised camps, between the local authority and the travelling community and between the police and the travelling community. Should guidance be issued on how to treat unauthorised camps, rather than simply concentrating on the official sites?

Mr Campbell: Guidance is needed. At the moment, it appears to be left up to individuals to interpret policies as they see fit. The police seem to act as bodyguards—for want of a better term—to sheriff's officers or local authority officers, and they seem to be brought in too early. I am sure that the Criminal Justice and Public Order Act 1994 says that it is up to the landowner whether to ask an encampment to move on and then, should it not move on, whether to seek legal redress. Only as a last resort should the police be brought in. However, we tend to find that the police are brought in right from the start, to intimidate Gypsy Travellers. We have already heard that things such as the execution of outstanding warrants are intimidating because the police are there.

Mr Jamie McGrigor (Highlands and Islands) (Con): Racial issues and harassment of Gypsy Travellers can be the result of ignorance among the general public about the history of Gypsy Travellers, who are often very proud of what they are. Could the history and ethnicity of Gypsy Travellers be portrayed better to the general public, so that people would understand and respect them more? If so, how could that be done?

Nel Whiting: As with all education, it needs to start in schools. The history that we learn in schools is very much white history; most black and ethnic minority people in this country would say that their history is overlooked in schools. You are right—education is absolutely central and it must start in schools. However, I am not talking about the twee little cultural awareness sessions that were popular about 10 years ago. Members know the kind of thing—“This is an Indian, this is a samosa and this is a sari.” I do not think that such sessions were terribly helpful. It would be better if education could be linked into the idea of citizenship. I do not mean that we should be saying to young people, “Please don't treat people like that.” The whole toleration policy was offensive to the Gypsy Traveller community. Who, apart from asylum seekers, could possibly be told that they were being “tolerated”? We need to move away from such attitudes. However, I agree that education about people's background is a way forward.

Mr McGrigor: I remember that, a long time ago, there was a fascinating programme about Scottish roots called “Who are the Scots?” Having a similar programme called “Who are the Gypsy Travellers?” might be the best way of getting information across about the history of those people and about why they feel proud and different.

Mrs Felsinger: We are not really in a position to respond to that question. It would be more appropriate to ask Scottish Travellers and Gypsy people whether such a programme would be of assistance.

Mr McGrigor: Do you think that it would be of assistance?

Mrs Felsinger: In the north, although perhaps less in the south, there is an understanding and appreciation of the background of Scottish Travellers. Such understanding and appreciation of that way of life is the target, and what Jamie McGrigor suggests might be of assistance. However, it would not replace clear-cut and firm anti-racist training, so that everyone knew that to treat anybody less favourably because of their national origin, colour, race or whatever, was unacceptable and potentially unlawful.

Nel Whiting: I back up what Jeannie Felsinger is saying about anti-racist training. I was interested to hear from the gentleman from ACPOS that it is considering awareness raising on the Gypsy Traveller issue. My understanding is that ACPOS is considering diversity training generally. While it is important that we consider the various issues, I am concerned that if we have two days of diversity training, not enough time will be spent on awareness of Gypsy Traveller issues. I am sure that it is obvious from all the submissions that you

have read that awareness must be raised.

Mr McGrigor: A specific racial issue that I came across was housing. Tenants had been asked whether they minded having Gypsies or Travellers living next to them. Another issue was a man who was a member of a caravan club but was refused entry to commercial caravan sites if they knew that he was a Gypsy Traveller. What should be done about such issues?

Nel Whiting: There would need to be a preliminary hearing as there was in the Irish Travellers case to which I referred. If we got past that stage, such incidents would be shown to be illegal under the Race Relations Act 1976 because Gypsy Traveller people were being given a service that was different from, and less fair than, what other people were receiving. Housing is covered in the Race Relations Act 1976, as is the provision of goods and services. We perhaps need to be more serious about taking legal action.

Mrs Felsinger: But we need a complaint to do that. There have been two or three cases, but the case has to be right. The ethnic origin of the Traveller must be fairly definitive. Obviously, whether that person is a Traveller is addressed before we even consider whether there has been discrimination. Unfortunately, I have never been successful in taking forward a legal case, despite the fact that, on one or two occasions, I have had cases full of merit. The processes, the suspicion within the court system or any sort of legal system and the length of time that it takes to pursue a case—it can be two to three years before there is even a preliminary hearing on whether we can proceed and on whether someone is a Scottish Traveller or a Gypsy—have militated against pursuing cases. However, the sorts of incidents to which your question referred should be challenged robustly.

Kay Ullrich: I am concerned about what your submission says about the methods of eviction from temporary roadside settlements. You heard my question on outstanding warrants. I was concerned to hear that the police seem to be preoccupied with outstanding warrants during an eviction, which is a traumatic time for a family. Will you elaborate on that? The law says that the outstanding warrants should be exercised—I do not dispute that, but at a time as traumatic as an eviction it seems inappropriate to take people away and incarcerate them.

Mr Campbell: I agree that it is an inappropriate time. We have a legal responsibility to execute the warrant, but warrants are used as a tool or lever to facilitate the eviction: "If you do not move, we will check you all out and there are bound to be warrants for some of you."

Kay Ullrich: Your submission says that

"evictions are never this swift for other council tenants."

How swift are we talking about?

Mr Campbell: Within no more than two days of the encampment coming to the attention of officials. Sometimes, a council official will serve notices of eviction within 24 hours.

Kay Ullrich: What support is offered to the families at that time? I am thinking of the kind of support that social work services will offer families who are threatened with eviction from council housing or any other form of rented housing, or to people who have fallen behind with their mortgage payments.

11:15

Mr Campbell: I am not aware that such families are offered any support. The primary objective is to get them off the land.

Kay Ullrich: Even when children are involved, as they often are?

Nel Whiting: The family often calls in a racial equality council or the Scottish Gypsy Traveller Association, which is based in Edinburgh, and we regard it as our role to contact the other agencies, such as the social work department. No support is offered by any of the statutory services that are involved.

Kay Ullrich: However, the social work department has a statutory obligation to provide support and housing for all children, under the Social Work (Scotland) Act 1968, and to ensure their safety.

Nel Whiting: Absolutely. I agree. It is an outrage that that support is not being offered to those people.

Kay Ullrich: Where do they go when they are evicted? Do they just move on? Is there no follow-up?

Mr Campbell: As far as I am aware, there is no follow-up. People are moved from where they are and the authorities do not care where they go. They can apply for pitches at the official site; however, there is only one such site in Edinburgh to which they can apply.

Kay Ullrich: What can be done to ensure that the authorities fulfil their statutory obligations?

Mrs Felsinger: Fortunately, section 71 of the Race Relations Act 1976 has been strengthened and the Commission for Racial Equality will be empowered to issue anti-discrimination notices in such circumstances. I hope that agencies will turn to the commission for support. However, the statutory agencies cannot be there constantly with a stick to make folk take the steps that they are required to take under normal circumstances.

Perhaps more training is required.

Kay Ullrich: It seems that there is real discrimination involved here. When there are evictions from council properties, the councils inform the social work department ahead of the eviction so that the proper support can be given. That does not happen in the case of Travellers who are being evicted.

Nel Whiting: Not in our experience.

Mrs Felsinger: In the first case study that I submitted to the committee, a social worker approached us because she was concerned that her line manager and the department were not taking action to assist a family. The neighbours who were accused of harassment had been accused previously—the council was aware of a history of harassment—by a German family who had lived next door and then left. Our clients, a Scottish travelling family, moved in but also had to leave. The neighbours who were accused were foster parents who were approved by the social work department. That issue is not included in my case study, but it is a matter of deep concern that discriminatory attitudes were being perpetuated in the children whom those people were fostering and who would move on in a few months or a couple of years. As far as I am aware, they are still fostering.

Kay Ullrich: I note in the first case study that the council offered the family accommodation. I assume that that is because they were in settled housing, and that people on a temporary roadside site would not be offered any form of housing.

Nel Whiting: In a case that we were involved in last summer, rather than being offered settled housing or any other support by the housing or social work departments or the police, the Gypsy Traveller family were told that, if they did not move their caravan in five minutes, a bulldozer would be sent in. That was said by a statutory organisation. I am sure that Jeannie Felsinger would back up what I say. We regularly hear such complaints.

Kay Ullrich: So there is evidence of real discrimination between Travellers and people in settled housing.

Nel Whiting: Absolutely.

The Convener: Those are all the questions for that set of witnesses. Thank you very much for coming to give evidence.

The next evidence is from the Travellers Site Managers Association. The witnesses are Brian Kane, Christine Carmichael and Jessie Wallace. I spoke to the association earlier this month in Dundee to give it information about the inquiry and answer questions on it.

I thank you all for coming along—it is nice to see

you again. We have received a submission, which members should have been given. I understand that you will give us a short presentation and then take questions from the committee.

Mr Brian Kane (Travellers Site Managers Association): Thank you very much. Along with other witnesses, I would like to thank you for giving us this opportunity.

I am chairman of the Travellers Site Managers Association. I have with me Christine Carmichael, who is a member of my executive and Jessie Wallace, who is my secretary.

I will outline the aims of the association, which was established in 1991. It set out to fulfil some aims to assist Travellers and local authorities. It aimed to assist in the achievement of properly managed sites for travelling people and to establish a communication network of site managers, mainly to apply shared experience to benefit management in the day-to-day running of local authority sites. It also aimed to make experienced representatives available to managing authorities to assist in recruitment and training, when required. We may be the only people who work with Travellers on a day-to-day basis.

Another aim, in the early days, was to provide consultation, on the design, development and furnishing of new sites, where called for by local authorities. The provision of that advice was based on practical experience. Membership is open to all local authority site managers, their deputies and relief managers. At the moment, we take in 32 sites with a total of 535 pitches.

Kay Ullrich: Could you expand on the role of a site manager?

Mr Kane: Yes. I could expand quite a bit on that; we could be here all day.

The remit of site managers may seem rather short, but they are mainly a liaison between internal and external agencies, including education and health agencies—anyone who is involved in the site. Different sites have different rules and regulations, because different local authorities are involved. Site managers try to act as a voice for the Travellers, if they need us to speak to anyone or to assist them in any way. We also assist other agencies.

Kay Ullrich: What is the typical background of a site manager?

Mr Kane: There is no typical background. I was quite surprised about that when I became involved. I am ex-Army—my experience may not relate to Travellers sites, but working in the forces is always considered a recommendation for any job. I was pleasantly surprised to find that the job is done by people from different backgrounds and

not just former military, police or prison officers, as members can see from the presence of Christine Carmichael and Jessie Wallace. Some site managers come from local authorities and others, such as me, had no relevant experience. I was totally ignorant and was fortunate to be supported by the Travellers Site Managers Association. The association tries to speak with one voice on training, which it takes very seriously.

Kay Ullrich: What local authority department do you come under? Is it social work?

Mr Kane: Site managers come under different umbrellas. I come under the housing department, but the managers of other sites come under homelessness sections. That is down to the local authority.

Kay Ullrich: The next question is for Mr Kane's colleagues. What background do site managers have?

Mrs Christine Carmichael (Travellers Site Managers Association): I come from Glasgow City Council and have 18 years' experience in housing allocation, homelessness and repairs. My background has been mainly with the local authority, which has helped me as a site manager, because the job involves day-to-day management, which includes dealing with such matters as application forms and benefits. The site manager is the first point of contact for any query from someone on the site concerning, for example, a referral to social work, a health worker or an education worker. The site manager is in the front line of dealing with inquiries. However, the role does not rely on the manager's background and experience of tasks.

Kay Ullrich: But your job title is site manager.

Mrs Carmichael: Yes.

Kay Ullrich: A site that Linda Fabiani and I visited had just changed from having a site manager, who had retired, to having a housing assistant. The people there were rather concerned, because the housing assistant had other settled housing to look after, and the service seemed to have been diluted.

Mrs Carmichael: It is unfortunate that some local authorities are taking site managers from posts in which they were on hand several days a week and integrating the management of sites, which involves dealing with power cards, supplies and other day-to-day tasks, into housing officers' posts. I am fortunate to be a site manager. I also have control of the budget for my site and I deal with planning maintenance services and anything that goes on there. I still have the total scope of the site manager's role, but many local authorities now consider such provision less necessary and are integrating it into the post of housing officer.

Kay Ullrich: Is that a step backward?

Mrs Carmichael: The job is unique. Managers have to be on the site. I feel that they need to be there for longer than two or three hours a week to do the job, because the position is unique. I do not say that the travelling people whom managers get to know on their site begin to become dependent on the managers, but they rely on managers to give them information quickly, because they could be there one day and then move on to another site over a weekend. If they need information on how to contact health, education or social workers, for example, they would rather have it before they move or on the day on which they move to another site. Otherwise, they have to go to a local authority office to wait or make an appointment, which sometimes does not happen.

Mr Kane: I would like to expand on that. I am one of the site managers who has had, shall I say, another job put on him. That is a result, as I have found recently, of budgetary and recruitment restraints within local authorities. Many local authority workers feel that the restraints that are being put on them mean that they are doing much more than they did four or five years ago. They are doing more since Strathclyde Regional Council was dissolved and single-tier councils were established. Over the past two or three years, I have watched as site managers from the association have been given additional estate management—they have had to assist the estate manager or, indeed, to assist with anything. I am doing reception duties in a housing office. I must be the most expensive receptionist that the office has.

11:30

Kay Ullrich: That seems to be unacceptable. We were supposed to be moving forward in support and services but it seems as though we are moving backwards.

Mr Kane: I agree.

Mr McGrigor: One of the sites that we visited at Spean Bridge had a barrier that was, I think, 7ft tall. Only the site manager had a key to the barrier and he was away at weekends. I do not know what his hours were, but when he was off the site, nobody could get their caravans out and emergency services could not come in—ambulances or fire engines could not get past the barrier. I also noticed that the fire hose on the site did not work. Do you think that that is wrong?

Mrs Jessie Wallace (Travellers Site Managers Association): Barriers are in place on most sites but, according to a site plan, all emergency services should have keys for the barrier. The ambulance service and the fire brigade say that they never require a key for the barrier because, if

they could not get in, they would use bolt croppers. The police have keys. In the event of an emergency, a family that must leave the site can call the site manager on an emergency number to open the barrier. On some sites, barriers have been requested by the travelling people who live in the local authority area.

Mr McGrigor: The issue appeared to be of great concern. Only one site out of the four that I visited had a locked barrier across it, although there was a site at North Connell in which people had to install a padlock.

Mrs Wallace: Did you say that the Travellers had to put on the padlock?

Mr McGrigor: Yes. The only way that they could get a key was to put on their own padlock. For some reason, that cost £137.

Mrs Wallace: In site plans, all emergency services and Travellers—if they require to leave the site—have an emergency number should no one be in place. If the site manager is not on duty, a colleague from the local area office should be on call. They can be called out at any time to open the barrier. The barriers allow access and egress for `vans, for example, and there are areas where barriers are in place at the request of Travellers.

Cathy Peattie: Why are the barriers needed? Why are they there?

Mr Kane: The Scottish Office originally recommended the use of barriers. They were intended to provide control on the site. If a site contains accommodation for only eight families, a barrier will be needed to prevent caravans from coming in. Some sites have no barriers and it is possible for there to be 20 caravans trying to fit into an eight-pitch site. There has to be some control.

Cathy Peattie: Could not Travellers have some control? I use a swipe card to get into my office. Folk on the High Street do not have swipe cards and cannot get in.

Mr Kane: The issue comes down to cost.

Cathy Peattie: I am talking about a plastic card.

Mr Kane: I know, but the device that you swipe the card through costs a lot more than the card. If a Traveller is given a key, there is every possibility that other Travellers might intimidate him to gain entry to the site.

Cathy Peattie: Are you saying that Travellers are not responsible enough to have a key?

Mr Kane: That is not what I said. I said that the Traveller might be intimidated by others who wanted access to the site, whether the site is empty or full.

Cathy Peattie: I will leave the issue there.

Christine Carmichael said that people spoke to the site manager when they wanted information on education, health and social work. Does that highlight the need for a joined-up approach to dealing with the Gypsy Traveller people?

Mrs Carmichael: I am sorry, but what do you mean by "a joined-up approach"?

Cathy Peattie: Brian Kane said that site managers can be ex-prison officers, people who have been in the Army, ex-housing department officers and ex-social workers, for example. Given that site managers are approached for information on health, education and other such issues, I was wondering about the training or expertise that they should have.

Mrs Carmichael: Jessie Wallace, our secretary, has a detailed information pack about the training that the Travellers Site Managers Association, in conjunction with the Chartered Institute of Housing in Scotland and other such agencies, gives to site managers. She could elaborate on that if you want.

I have been in post for four or five years and the training that the association has given me on site management and travelling people has been far more in-depth and beneficial to me than that which I have been given by my local authority. When someone calls up the local authority office that is perhaps 10 minutes up the road from where I work, some of the people who work there—I have to work with council staff every day—might not know that the site or I exist. I am sure that every site manager would tell you about similar experiences.

The majority of the training has been done by the Travellers Site Managers Association. We have not involved organisations such as education agencies or the health boards. The other week, I attended a training session on the issue of violence against women, which dealt with travelling women within the context of society. A range of people attended that session, but it is the only one that I have been to at which there was any evidence of a multi-agency approach. We cover a lot of issues on the sites themselves and have meetings with the health worker or the education worker on a daily or weekly basis—it is like a liaison group.

Cathy Peattie: That is what I meant by multi-agency joined-up working. There should be an opportunity to speak to other services. If you do not know about other services, it is difficult to pass information on.

Mrs Carmichael: A lot of the sites have that facility. In Glasgow, we had a liaison group but, because people have moved outside the local

authority area, it has fallen away a bit. However, we keep in touch and we have regular contact, although we have not managed to have our six-weekly liaison group meeting. I hope that that will start up again, but there is still constant contact with the health worker and social workers. We are even in contact with the Gypsy Traveller community project in Glasgow, arranging different training issues.

Linda Fabiani: I refer to the submission that you sent us in November 2000, which contains a lot of good detail about your organisation. However, I find some of what it says very negative, which gives me concerns about the ethos of the organisation.

Best practice is mentioned a lot. Who informs that best practice? I see that the Chartered Institute of Housing in Scotland offers training for operators on sites. Is there input from the travelling community to ensure that that best practice is best for them as well as best for those who operate it?

The submission contains many comments about anti-social behaviour. For example, it refers to

“an element within the Travelling Community who abuse and destroy”

and

“many more instances of a negative nature, which Site Managers deal with regularly”.

Do you think that that is any different from the anti-social behaviour that takes place in the settled community? Do you feel that there are proportionately more instances of such behaviour among Travellers, or is that behaviour just noticed more because it happens in a confined and defined area?

There has been mention of bad tenants. Do you accept that there are often bad officers and that not all site managers are excellent at their job? You mention the cost of clearing and reinstating ground after illegal encampments, which, you say, does not

“promote the image of the travelling community.”

Again, I ask you to reflect on the image of the settled community and on the costs of reinstating ground in comparison to a council housing budget that is dealing with tenancies. I have asked a lot of questions, but I would appreciate your comments.

Mrs Carmichael: I shall comment first, and I am sure that my colleagues will want to elaborate on some other issues. Site managers have to deal with a condensed pocket of the community on a daily basis. By comparison, a housing officer who may be responsible for a patch of between 150 and 250 houses is not there every day and does not see everything that goes on. Even though site

managers are doing their job and working for the local authority, they tend to become closely involved with the tenants on their site. They see what is going on daily and they see the bad side, which people do not see if they are working as a housing officer. A housing officer may be travelling through their patch and see something that has been dumped, but nobody knows who has dumped it. On the sites, the managers see what happens every day. Unfortunately, there is a downside as well.

Linda Fabiani: I was concerned because I felt that, if your submission reflects how your association feels about the clients whom it serves, it must have a negative relationship with Travellers.

11:45

Mr Kane: We were also slightly worried about a lot of the negative things that we said, but I hope that we included many upbeat things about the Traveller life as well.

On the negative side, I have a couple of examples of what slightly depresses us. Two sites have been written off and demolished. One site manager has gone—they were shifted to the local authority—and the sites will not be rebuilt, because the local authority cannot afford to rebuild them, the insurance did not cover the cost of rebuilding and the advisory committee would not give any more money. The sites remain closed. That is the downbeat side.

We see the more upbeat side on site, because we are involved in creating things for Travellers. The remit goes further. When the advisory committee designed sites, they did not provide for pre-five-year-old education and playgrounds. However, a lot of sites now have them, in most cases because of the site managers.

Linda Fabiani: No one has addressed the issue of best practice. Is your best practice informed by the client group?

Mr Kane: I will hand over to Jessie Wallace on that question, but it should be borne in mind that the concept of best practice has appeared only recently, and it came from local authorities.

Linda Fabiani: I do not know about that; the concept has been around for a long time.

Mr Kane: Yes, in different contexts, but if you went to a Traveller and mentioned best practice, I am sure that they would be as ignorant of it as I was to begin with.

Mrs Wallace: Best practice is about involving everyone—having liaison groups and involving Travellers—because it is only by working together that best practice can be developed and

promoted. Multi-agency working that involves Travellers is the best way forward; it should take into account, regardless of whether they live by the side of the road, Travellers' health and education needs.

Linda Fabiani: Your submission also refers to the behaviour of Travellers doing

"little to promote the image of the travelling community."

I understand that the wider community attaches a stigma to Travellers. Does your association feel that that is justified?

Mrs Wallace: We are speaking about a minority of people, who not only get involved in fights and cause damage, but intimidate the travelling families who live on sites, which is a big issue. There can be a negative side, albeit that that is caused by a small minority.

Everything in the daily papers or on the news about the travelling community is negative—for example, there are stories about illegal encampments. The best way forward is to bring on board the local community and ensure that local people come to the liaison groups, where they can get to know the culture and background of the travelling people and the travelling people can relate to the local community.

Linda Fabiani: I am picking up from your answer that you do not think that the wider community's view is justified.

Mrs Wallace: I am talking about a minority of Travellers. It can be costly to clean up illegal encampments, but I am not saying that all Travellers are involved—we are talking about a minority.

Linda Fabiani: As is usually the case.

The Convener: We will have brief questions from Elaine Smith and Jamie McGrigor.

Elaine Smith: My question was going to be brief but, now that I have heard what has been said, it will be slightly longer. I am afraid that I have to agree with Linda Fabiani and say that I felt that the submission was rather negative. I do not see much in it that is upbeat.

Brian Kane talked about "creating things for" Travellers, but I would like to know your views on "creating things with" Travellers—that is, creating things in consultation with Travellers, rather than management deciding what is best.

You talk about issues on the site, but surely it is the job of site management to tackle those issues. For example, if a family or an individual causes disruption, surely no one else should suffer or have to leave the site. Only the person causing disruption should have to leave a site.

If site managers come mainly from housing

backgrounds—that is what I picked up from Christine Carmichael's comments—what experience do they bring? I would like your views on that, as Gypsy Travellers tend to indicate that, as residents on Traveller sites, they are treated differently from council tenants in houses. For example, there are pre-paid electricity cards on most sites—the witnesses can correct me if I am wrong—which must be obtained from the site manager. Is there an out-of-hours or emergency service for Travellers who run out of electricity?

Finally, how many of the official sites are members of your association? You may have mentioned that already; if so, please forgive me for missing it.

Mr Kane: As I said, all site managers are eligible for membership of the association. There are 32 sites, but not all site managers attend meetings of the association, although the association is there for them.

Elaine Smith: How many of the 32 sites are members of the association?

Mr Kane: They are all members.

The issue of electricity cards comes down to site management and the individual manager or authority. Travellers on the site that I manage have the same telephone number as the settled community has for an out-of-hours service, no matter what that service may be—it could be repairs or whatever.

Mrs Carmichael: I manage the site in Glasgow. When I first came into post, I became aware of some of the issues that were being put about throughout the travelling community and other organisations. I admit that I did not know much about the travelling community, but I made a point of finding out what I could and of speaking to the Travellers who were already on the site.

The site was in a bad state—it was in need of major repair work and refurbishment—and there was a problem with electricity meters. We found out what the tariff was for the meters. The main electricity meter is housed in the site manager's office, and the meters for the individual pitches are subbed, so to speak, from that main meter. Travellers must approach the site manager during working hours for pre-paid power cards. There is a back-up in my area for an out-of-hours or weekend service when I am not on the site.

We approached Scottish Power about housing individual domestic meters in each amenity unit, but we were told that the company would under no circumstances take on responsibility for installing meters in those units. The company said that, if it went down the road of installing metered electricity, there was no guarantee that the electricity bills would be paid—no sooner would it

send out a bill for the electricity used than the travelling person would move to another site. The company said that it was sometimes impossible to keep track of Travellers.

The company also refused point blank to install power-card meters in some of the units. The only means of getting power to amenity units is for us to provide power cards.

Mrs Wallace: When the sites were first started, they had dry meters and the bills were handed out to the Travellers. They would read their meters—as they were entitled to—in the site manager's office. If they got their bill on a Monday, for example, they were entitled to read their meter every Monday.

With progress, if a new site is being built, or if an existing site is being upgraded, the meters will be included. Our site is being upgraded and we are having talks with Scottish Power about installing its meter cards. Scottish Power is taking that on board. I know of a few sites that have either a Scottish Power billing system or Scottish Power meter cards. There has been progress with electricity, especially when a new site is being built.

Mrs Carmichael: I know from experience about Scottish Power refusing to install meters, but I also know from other site managers and other local authorities that costs can be prohibitive. The cost of renewing each meter and wiring it up to provide an individual domestic supply is absolutely phenomenal.

Mr McGrigor: I am sure that the job of site managing must be extremely challenging. I know of two or three sites where there have been problems with the drains—not with the ordinary plumbing, but with the drains that take excess water off the site. Those drains appear to get blocked time and again. Is it the responsibility of the site manager to ensure that those drains remain unblocked? What are the responsibilities of the site manager in liaising with the services to ensure that the clients on a site are properly looked after?

Mr Kane: You are correct that the drains are the responsibility of the site manager—as opposed to being a people manager, he is a site manager and is responsible for repairs and maintenance on the site.

Mrs Wallace: Like any other housing service to the local community, that should be in the local authority plan.

The Convener: I thank the witnesses for giving evidence today. We will take a short break.

11:57

Meeting adjourned.

12:07

On resuming—

The Convener: Let us get started. I welcome the experts who will give evidence. I shall not go through all their names because they are far too many and they all have name-plates in front of them. We have received the witnesses' submissions and they may make short oral submissions before members ask questions. We will start with South Lanarkshire Council.

Mr Lindsay Freeland (South Lanarkshire Council): I am from the housing department of South Lanarkshire Council and my colleague, Jim Duffin, is from our education department. South Lanarkshire Council has two official travelling persons sites, which can accommodate approximately 28 pitches, and a couple of unofficial sites, which operate a total of about 33 pitches. There is therefore quite substantial provision for travelling persons within South Lanarkshire.

The committee will see from our submission that the issues that affect the operation of the sites—and the Travellers—relate to the management of the sites and to police, health and education issues. We welcome any questions that committee members may want to ask us.

Mr John Gormley (North Lanarkshire Council): Good afternoon. I introduce the man who needs no introduction, Kevin McGowan. I work within the housing and property services department and Kevin McGowan is my colleague from the social work department. I must apologise on behalf of another colleague who was originally scheduled to attend, but is unable to do so due to ill health.

I am happy to report to the committee that the scene in North Lanarkshire has changed significantly since my director sent the submission to the committee in November. The Forrest Street site in Airdrie is now full. In addition to the original residents of the Annathill site, another three people have moved there and there have been further expressions of interest. There is now a waiting list for the Forrest Street site.

The change has happened dramatically since January. It has brought a new challenge to us in North Lanarkshire as to how we go forward. In January, my director—the director of housing and property services—hosted a joint working party, which included officers from several departments. That working party produced a report, which was a review that was based on the advisory committee's ninth and final report. We made

several recommendations about the way forward and we must address all the issues again. On site management, we must consider some of the matters that have been discussed this morning. What level of management do we want? Who should do the management? We are exploring the possibility of external agencies taking on the management of sites. How do we involve Travellers in the greater community?

There are day-to-day difficulties, such as whether to have a barrier, how best to control it and how to use it. I regret that we must report already that the travelling person's officer, who works in the housing department, has been threatened and cannot attend the sites owing to the seriousness of some threats. The postmen have refused to go on one site because one of their colleagues was bitten last week by a dog that seems to be out of control. We must deal with those day-to-day issues as well as figuring out the strategy for the way forward.

It has been agreed that a multi-agency working party should be established to co-ordinate the process and report back to the council's committees. The on-going review in North Lanarkshire on a joint community care plan should include Travellers' needs. An accommodation review is scheduled; part of the motivation for it is anticipation of the Housing (Scotland) Bill and what might come from it. We will ensure that the needs of Travellers are included in that review. It is recognised that, in future, the needs of Travellers should be addressed and that their needs should be part of our community planning processes and all the other statutory plans that we produce. We hope and trust that that approach will enable us to marshal the best resources and deliver the best services in future.

Mr John Angus (Convention of Scottish Local Authorities): I am the third reserve for the Convention of Scottish Local Authorities. Nobody else could manage to come. Kenny Simpson, who wrote the submission, now has another job with a local authority. Good luck to Kenny.

Point 5 in our submission states that COSLA supports the recommendations that are contained in the advisory committee's report.

The point was raised this morning—it is the first time that I have heard it being raised—that there is a need to educate the public. I believe that strongly, having had first-hand experience of the situation. On Perth and Kinross Council, I was the lead officer in trying to develop a new site for Travellers. We had the ideal site and a willing seller. Two years down the road, the seller had to withdraw his agreement to sell the site. I had a public meeting with people who lived in the area and, no matter how much I tried to say that the potential site was a good idea, if those people

could have found a piece of rope and a beam they would have lynched me. It was probably the biggest turnout that there had ever been at the village hall. I do not know how we educate the public about the matter. Education on Travellers through schools is important.

One of the most important issues for local authorities and other agencies is the recommendation that there should be a policy of co-operation. I hate the word "toleration". What we are talking about is co-operation between Travellers and all the agencies that are involved. It is unfortunate that the advisory committee no longer exists, as no body now exists to take that much needed co-operation forward at a national level. Perhaps that is something that COSLA could look at, although those who know COSLA know that it is at present having to review its organisation.

There is a need for a core policy at least, which each authority could develop for its area. Perth and Kinross Council has started that process by working with representatives from the Travellers, the health board trusts and others. We have produced a document, which we will issue for consultation. What is sad—as we have heard this morning—is that many local authorities and health authorities are doing their own thing. They are doing it together but, as was mentioned, best practice is not being spread to other authorities. That is another area that COSLA, or another body, could become involved in. Over the past few years, I have come to feel passionately about that issue, which we are good at talking about. However, local authorities and other agencies need now to deliver. I am happy to answer questions on how best practice could be delivered.

12:15

Mr John Mills (Fife Council): I chair the travelling persons working group, which has been running since 1993. On my left is Eric Marwood, who has operational responsibility for travelling people in Fife. We believe that the travelling persons working group is an example of how local authorities and others should co-operate in each area to develop best practice.

One of the issues that was included in the paper that was submitted to the committee in November 2000, was that the travelling persons working group in Fife was in the process of transformation. Since the inception of the single-tier authority, there has been a focus on the development of the third travelling persons' site in west Fife, at Kelty. That site is now proceeding and will be open by April 2002. We need to get back to basics and to look at the strategic direction of Travellers' services in Fife. We have revamped the travelling persons working group, and the first meeting of

the group in its new format—chaired by an elected member—will be tomorrow. Travelling people need to be at the centre of the social equalities agenda in Fife. That will be part of the community planning effort for the foreseeable future.

A key issue that I want to mention briefly to update the written submission is our work with unauthorised encampments. Over the next two months, the travelling persons working group will consider a policy statement on working with unauthorised encampments in Fife. That policy statement will go out for consultation.

We believe that our permanent site provision is working effectively. There is always room for improvement, and that is why we need to hear from Travellers. We have a formally constituted Travellers association at one of the sites, which we hope to replicate in the next few months at our second site in Cupar. Travellers now have a voice, not only in their dealings with the housing service that manages the sites, but in all the council services and other agencies that are involved with Travellers. That is the best way forward to ensure that services in Fife are geared to individual and family needs.

The final issue, which others have referred to, is about improving awareness in Fife of Travellers' needs and issues. Clearly, part of Fife Council's job is to manage conflict between the settled community and the travelling community, particularly around the issue of unauthorised encampments. That is a key area of work that needs to be undertaken, with the council taking the lead, assisted by Travellers and other agencies. Through the travelling persons working group, Travellers are putting forward good ideas that we should harness. The committee has heard some of the Travellers' good ideas from earlier deliberations with Travellers from Fife. I would be only too delighted to attempt to answer any questions that the committee may have.

Elaine Smith: I will address my first question to COSLA, before asking questions of North Lanarkshire Council. Other councils' representatives might wish to contribute to the answer to my first question, but I want to put it to COSLA in particular. I mentioned earlier that submissions from Gypsy Travellers indicated that, as residents of Travellers' sites, they are treated differently from council tenants in settled housing. As we have heard, they have concerns about higher electricity costs, higher rents with fewer facilities, the level of repairs that they get for the facilities, and less favourable tenancy agreements and rights. Why is it that Gypsy Travellers living on sites are treated differently from tenants in council housing? I would like to explore their rights.

The Scottish secure tenancy is proposed under the Housing (Scotland) Bill. We know about the

discussion on the right to buy. However, Gypsy Travellers who are council tenants on a site might have been there for a number of years, but if they move into a council house, they have no credit towards a discount if they wish to exercise their right to buy.

When Gypsy Traveller families present as homeless to a local authority, are you aware of any discriminatory practices that might not be written down? For example, rather than putting such Gypsy Traveller families into a council's homeless unit, there might be an unwritten policy of accommodating them in bed-and-breakfast accommodation. If you are aware that that is the case, what can be done to change it?

Mr Angus: First, I am not a lawyer—perhaps I am glad of that. On the right to buy, the law would require to be changed to allow credit for people living in their own caravans on a council-owned caravan site. You have to remember that, in some areas, there are private sites and local authority sites. Of the two, the local authority sites are generally better run than the private sites. That is the feedback we get in our area.

Discrimination probably does go on, but I cannot put my hand on my heart and say, "I know it goes on." In some areas, if Travellers get a house, they get one in a particular area, which is not necessarily within the best areas in the authority. In the sort of co-operation policy that I would like to be implemented, Travellers who were homeless, who had made a request for housing services and who met the requirements would be allowed to stay until the application was dealt with. We should not move such people on unless there is a problem with the site—a danger such as that the site is in a lay-by and so on. I have quite strong views on that.

There probably is discrimination; even unwitting discrimination. What can we do about it? Education is the most important thing. It starts in the schools and in how we govern the country. It starts with the Scottish Executive. It is one thing to say that an authority should do X, Y and Z, but unfortunately the funds that would allow local authorities to build new sites have been withdrawn. I cannot see the authorities obtaining the money. Our site for 12 families cost more than £300,000. Local authorities can no longer find that kind of money, which is a pity, because a number of authorities were still working on providing sites.

The Convener: Do any of the councils want to come in on Elaine Smith's questions?

Mr Mills: The principle should be that Travellers are treated exactly the same as council house tenants are; that should be our aim. There will be differences in approach—that comes with the fact that official sites accommodate quite small

communities, compared to an estate of 200 houses. There will be differences, but we should aim to treat Travellers in the same way that we would treat anybody who pays rent to a council.

On homelessness treatment, we have published policy guidelines for staff and we have an appeals procedure, which is open to anyone.

Other important elements are training, education of staff, and being non-judgmental. Local authorities must maintain standards for all staff who work with homeless people and travelling people. However, as my colleague John Angus said, practice might differ from policy, which we must scrutinise with the Travellers themselves. It is important that service users participate in the monitoring and review of policy and practice.

Mr Gormley: I echo those sentiments from my Fife Council colleague. In North Lanarkshire, there are no deliberately discriminatory policies. As I said earlier, the scene has changed for us. We used to have two empty sites and another site that had only three residents. We now have a full site, so many management issues are coming to the fore. We are trying to find the right approach. Our discussions have concerned reducing some of the differences that exist and finding a possible way—without the presence that we had previously—of managing sites as part of a housing officer's patch. I am interested by comments that the committee has heard this morning.

In North Lanarkshire, we strive to put no homeless people into bed-and-breakfast accommodation, which is our last resort. At the moment, we have a number of people in such accommodation because our supported accommodation units are full. We have some furnished flats and some supported accommodation units. At the moment, one Traveller and her kids are in one of our supported accommodation units, rather than being in the dispersed units or in bed-and-breakfast accommodation. We try to place homeless families where they will receive the best support and where their needs will best be met.

Elaine Smith: The questions that I am about to ask are probably specifically for John Gormley. I am delighted to hear that things have dramatically changed since we received your submission—you may want to send a new written submission to the committee as an update.

I have looked through your submission. You said that you had a pitch target of 88 and one of my questions was going to be why you had only three families. However, you have answered that. The Forrest Street site in Airdrie is full and other families are looking at the Annathill site. I am worried by the comment that families left Annathill for alternative accommodation and said that they

would not return because of a family that was causing problems. If such a thing happened in settled council housing on an estate, no one would expect the whole street to leave because of one disruptive family; instead, that family would be tackled. I would like to hear comments on that.

On the second page of your submission, you mention threats of arson at the Forrest Street site. From whom did those threats come? I had some other questions about the Mossend site, but I will leave those for now—Michael McMahon may pick up on them. The second page of your submission states:

“At present, consultation is taking place with Lanarkshire Health Board in relation to setting up a Travellers Health Project in North Lanarkshire.”

Is that the same project that Dr Wrench spoke about this morning—the one that started in 1988—or is it another project about which consultation is taking place?

Before I turn to specific questions about the management forms that you have submitted, the last page of your submission says that the future of the sites

“is currently under consideration and interest has been expressed by private and voluntary sector organisations”.

It would be useful to have some clarification on which organisations have expressed an interest. John Angus seemed to think that local authority sites were, on the whole, better run than private sites. Will North Lanarkshire take that into account when considering the interest that has been expressed by private organisations?

I will go back to some specific questions on the forms that—

The Convener: The witness may want to answer some of the questions that you have asked, rather than being asked more from such a huge list. Other members also have questions. If you have many questions, some of them could be put to the witness in writing.

Mr Gormley: We intend to provide an update on our submission. That will pick up on questions that we have been asked today and will also tell members about changes that have happened.

Many of the questions that members are likely to ask about the management forms are being considered by the council, so that we can determine the best way forward. There has been a fairly dramatic change in a very short time. My directors sent that letter in November, but by January the situation had changed dramatically. We now have a full site and a number of people on the waiting list for it.

You mentioned pitch targets. It has always been a concern of North Lanarkshire Council that the

pitch target for North Lanarkshire is too high. That was our view, based on our experience of the number of Travellers we had and the number who would pass through. It was difficult to finalise a figure, as we were aware that Travellers in our area were subject to intimidation that inclined them to move on.

12:30

Annathill was a successful site back in the days when it was run by the then Monklands District Council. Before I joined North Lanarkshire Council from another authority, I went to see Annathill, because the advisory committee had suggested that the site was worth looking at. The people left that site very quickly. I do not want to name the family that provided the intimidation, nor would any of the residents who left and who had a good relationship with the site manager at the time. Some of them spoke candidly to him, but no evidence was produced that we could use to pursue any formal action, especially because the Travellers preferred to move on. Between five and six of those people moved into council housing at that time and still reside in the Glenboig area. Three or four of them moved to England, others bought their own houses elsewhere and one or two bought houses in the Annathill area. However, they all moved off the site because of intimidation.

The gentleman who was threatened with arson was on the site for a specific purpose: he was attending Monklands hospital for a back injury. I do not know whether it coincided with the end of his treatment, but he advised us that he had been threatened for being on the site, and that if he had not moved on there was a danger that his van would have been set on fire.

Elaine Smith: Did that threat come from the wider community?

Mr Gormley: No, it came from within the travelling community.

Elaine Smith said that she would leave the issue of Mossend to Michael McMahon. I invite Kevin McGowan to comment on the health project.

Mr Kevin McGowan (North Lanarkshire Council): The health project was set up, as Dr Wrench mentioned, some three years ago, and it is progressing quite quickly.

One of our first difficulties was to obtain premises on which we could start the project. With co-operation from the social work department and the health board, we obtained premises in Glenboig. The project started with a lot of consultation on their needs with the local travelling community and Travellers who came in and out of the area at that time. In my role as the travelling people's liaison officer, I have daily contact with

the Travellers. Therefore I can easily assess what their needs are and they can ask me for what they want.

We are now at the stage of securing publicity for the project and making it better known to the wider travelling community. A lot of Travellers are moving in from outside the area. They have a sympathetic doctor in another area, but they do not have a local doctor. If one of their children becomes ill, they tend to go to a hospital such as the Royal hospital for sick children or Monklands hospital, rather than approach a doctor.

The project was intended to enable families who came into the area to meet a health visitor for an assessment and for support and guidance on where they could obtain health care—with Dr Bawa in Glenboig, for example.

It is an on-going project in which Travellers are involved. Consultation is being carried out with the Travellers to find out what their needs are. It is no use drawing up a project without having consulted the people who will need the service. The Travellers are the most important people in our provision of the project. Whatever they require—be it dietary requirements, access to a chiroprapist or access to an optician—we hope to bring the appropriate services into the community.

Elaine Smith: Thank you for that. I am conscious of the time, but I hope that I can put some questions in writing—as you suggested, convener.

The Convener: I will come back to you for other questions, Elaine. Kay Ullrich has specific questions on the project at Glenboig.

Kay Ullrich: Mr McGowan, could you give me an idea of your background and role? You said that you are a travelling persons liaison officer. From another life, I know another travelling persons liaison officer from a social work department. What is your role, compared to that of a site manager?

Mr McGowan: I work in close conjunction with the site manager. The remit of my post is to give support and guidance to the travelling community and to liaise with all other council departments with an interest in the travelling community, including housing—through the site manager—and education and health. The site manager is with the families on the site, and I work closely with him on a daily basis.

Kay Ullrich: Are you a social worker to trade?

Mr McGowan: No. I am a resource worker. My remit, which is a one-off post in North Lanarkshire, is that of a travelling persons liaison officer. I therefore work with—

Kay Ullrich: Is it a mainstream post?

Mr McGowan: Yes. I work with all teams—including community care teams—that have any dealings with travelling people. If I am dealing with a travelling person in Airdrie, I work with the Airdrie area team; if the person is in Motherwell, I work with the Motherwell area team.

Kay Ullrich: I want to pick up on care in the community. You will have heard me asking Dr Wrench about figures for community care type referrals of travelling people.

Mr McGowan: The number of referrals in our area varies, even from one week to another. Because I work with Travellers, I have day-to-day contact with them. I regularly deal with 25 to 30 families, be that to do with health care, child care or benefits.

Kay Ullrich: I was really talking about referrals for a home help service, or for aids and adaptations for people who have disabilities, or elderly people, for example. What about assessments for elderly people? Do you get the same sorts of request for referral from travelling people as from the community at large? There are elderly people among travelling people, too, and they may need long term care, home help support, adaptations or whatever.

Mr McGowan: Community care for Travellers is quite different from that for people in the settled community, in that the Travellers' way of life is different. The number of referrals is smallish. However, because I work with a family continually, the referral would be considered to be on-going.

Kay Ullrich: Can you give any examples of the services that I have mentioned being provided to travelling people?

Mr McGowan: Yes. There is a man who stays with his family in Wishaw. He bought a piece of ground in the Salsburgh area. Sadly, he was involved in a serious car accident, which meant that he could no longer use a caravan. The caravan was out of bounds to him—he had no access to it. We then got him into mainstream housing, and provided chairlifts and adaptations for the house. It worked quite well, without difficulty, in that case.

Kay Ullrich: I assume that that disabled travelling person will want to visit his family, who—again I assume—are Travellers.

Mr McGowan: Yes, he still travels to—

Kay Ullrich: What kind of adaptations have you given him to enable him to visit his family, like everybody else?

Mr McGowan: His car was adapted through the disability living allowance, and he was able to make use of a Motability grant. He has wheelchair access, if required, and the family is very

supportive. That is something that is found in the travelling community—they are supportive of families in which something unfortunate has happened.

Kay Ullrich: What about home help support? Such support is not only for the elderly—as you know. Home-help support is often provided to young families.

Mr McGowan: We have no knowledge of Travellers taking up that service. As a rule, they tend to stay in their own community, where the family will help if a mother or grandmother becomes ill—I have such an example at present—by returning to the family home to look after the mother or grandmother. We can put aids and adaptations into the house, as required.

Kay Ullrich: What about day care services? You say that Travellers are a close community and will look after their elderly at home, which is quite commendable. However, other people are provided with support services, such as day care services, lunch clubs and so on.

Mr McGowan: My unique role allows me to give easy access to services, or information about services, that are available to a travelling person who has fallen ill, such as day care services and other facilities.

Kay Ullrich: Do travelling people access those services?

Mr McGowan: Yes, they take them up and enjoy them—their family goes with them. Therefore, there is no difficulty with access to day care services.

Kay Ullrich: Please excuse me, Mr McGowan. I must go to another meeting, for which I am already 10 minutes late.

The Convener: We might ask for further written submissions from councils about access to such services—we have not taken much evidence on that interesting area.

Mr McMahon: I have a general question, and I do not know who would be the best person to respond to it. Perhaps the COSLA representative would be best, but I would welcome responses from the representatives of individual councils, if they have relevant information.

Some Gypsies and Travellers who move into settled communities are subjected to racial harassment. Are Gypsies and Travellers included in council policies on racial harassment? Do the witnesses believe that there is a specific need for council officers to be trained in, or to receive guidance on, dealing with Gypsy Travellers, particularly in relation to racial harassment? Could other policies, such as allocation policies, be used better to alleviate the problems that the travelling

community experiences in the settled community?

Mr Angus: I will kick off.

Travelling people should be included in an authority's equal opportunities and social inclusion policies. We have an opportunity to ensure that travelling people are treated exactly the same as everyone else.

There is a need for staff training. My experience of sitting on a number of working groups that considered travelling people and sites is that members who came along from the various services did not know about the needs and requirements of travelling people.

There should be no need for Travellers, or for anyone else, to say that they are being discriminated against. Local authorities have a role to play, and they should ensure that discrimination does not happen.

I commented earlier that we should ensure that it does not matter whether Scottish Travellers are classed as an ethnic minority, because they should receive the same treatment as anybody else. That is a role that local authorities can play, particularly through the community planning process.

Mr Jim Duffin (South Lanarkshire Council): From an educational perspective, I think that we should include travelling people in our equal opportunities policies, as John Angus said. We have a system to monitor racist incidents within schools and I would certainly encourage teachers to report any instances of racial abuse towards the travelling community. Teachers can do that when they make their monthly returns. Education has been referred to several times this morning as an important vehicle for taking forward positive attitudes towards the travelling community. That is very true.

There are two prongs of development that we must take forward. First, we must tackle attitudes towards travelling people within the anti-racist and multicultural education programmes in schools. We have some good examples of positive representations of the travelling community within schools, especially those that serve larger proportions of the travelling community.

12:45

Secondly, we must try to bring children from Traveller communities into mainstream education. Although we have experienced significant success in the primary sector—the vast majority of the primary-age children on our Larkhall Traveller site attend school—we have a serious problem with secondary education. There is a resistance within the Traveller community to attending secondary school. We have had some slight success, but it

has tended to be very temporary. We need to take major steps forward to build bridges between secondary schools and the Traveller community. Only through that kind of development will we get the right attitudes within the settled community. As long as Travellers are seen to be separate and not attend schools—albeit only in the secondary sector—there is a danger that prejudice and discrimination will exist. The more we can do to bring them into secondary schools, the better.

Mr McMahon: I want to return to the issue that John Angus mentioned, which concerned the principle that there should not be discrimination in any policy. I thank North Lanarkshire Council for sending its site management plan and the rules that govern applications for pitches. I am not having a go at North Lanarkshire Council specifically, but the information that it has provided is an example of what might be seen as discriminatory. Do other authorities apply the same rules?

The application form says that references

"will be requested from the previous sites or landlords".

Therefore, if somebody were to move from a Travellers site in Glasgow to a Travellers site in North Lanarkshire, they would have to bring references with them. Do people have to do that if they are moving from a council house in Glasgow to a council house in North Lanarkshire? If that is not the case, is not that discrimination?

The application form also states:

"If you do not supply any references, your Application will not be approved."

It does not say "might not be approved," but "will not be approved". If the travelling people are moving away because of a disagreement—possibly with a site manager—would the site manager give them a favourable reference? Would that be used against them? Is not that a form of discrimination?

We spoke to some people in North Lanarkshire who mentioned that, although a particular family at the Mossend site may have caused problems, they were more concerned that the rules on what they were or were not allowed to take onto the site and use on site were restrictive.

The application form says that

"No vehicle above 3.5 tonne Gross Axle Weight will be permitted on-site".

I know from experience—I have been a representative in North Lanarkshire and in South Lanarkshire—that people who live in council houses park 3.5 tonne lorries in the street. They perhaps use the lorry for their business, but council house tenants would not be thrown out onto the street for having that vehicle. Why is a

travelling person who possesses such a vehicle not allowed onto a site?

In the section of the application form that mentions anti-social behaviour, it says that "inconsiderate parking" is enough to allow someone to be evicted from a travelling persons site. If that were the case for council house tenants, an awful lot of evictions would take place in council house areas. If those are the criteria that are used against the travelling community, is it surprising that they find it difficult to get onto the site in Mossend?

Mr Gormley: Our procedure on references is fairly standard practice and has been for quite a number of years. If a council house tenant moved between authorities, a reference would usually be required. If somebody is looking for a transfer from one council house to another—even within North Lanarkshire—it is expected that we will be able to supply the other area office with a reference. It really is fairly standard, and it is exactly what would happen to any other council tenant.

We ask for references from other authorities, normally from the site managers and sometimes from the supervisors. I have not had any instances of personalised attacks against individuals. The references are fairly routine. We ask about maintenance of the rent account, how well the tenants looked after the property and how they got on with their neighbours. The intention behind the reference is simply to give us an indication of what sort of tenant somebody will make and whether they will fit in with the community on the site that they have applied for.

The rules that we have at the moment have been changed to reflect and draw on the recommendations from previous reports of the advisory committee on Scotland's travelling people and on the experiences of other sites. I do not say that our rules are exactly the same as those of other sites—my colleagues will no doubt comment on that—but they are very similar.

The idea behind asking for the axle weight is to try to determine the size of the vehicles that are coming on to the site. We are endeavouring to keep the sites residential. There are other things that we restrict, such as the amount of work that may be done on site. We discourage people from scrapping cars and from bringing larger lorries on to site if they are doing tarmacking or black-top stuff. The idea is to keep the site residential. There are also implications for safety on the site, as there may not be much space for negotiating larger vehicles. Our aim is not to exclude people, but to protect the environment within the site and to promote safety for the residents.

You mentioned antisocial behaviour. Our aim is to ensure that there is harmony on the sites and

that people can enjoy living there without interference from other persons. The definition of antisocial practice is huge and encompasses anything that disturbs anybody else's enjoyment. Indiscriminate parking could include somebody blocking a site where access is important or somebody causing a safety hazard. The pitches have been designed, based on the guidance available to us, so that there should be no need to cause congestion or create hazards. We do not simply decide that someone has parked wrongly, issue them with a parking ticket and put them off the site. The site manager or the officers who attend the site will try to get co-operation to overcome any difficulties. In cases of inconsiderate parking, for example, we would try to encourage people not to do that. It would be only for persistent disregard of other people on the site that we would ever talk about issuing an eviction notice.

Mr McMahon: If someone was taking up a tenancy in a council house in North Lanarkshire, would they have the same restrictions placed on them? Could they lose their tenancy if they parked inconsiderately? Would that be written into their tenancy?

Mr Gormley: No. I imagine that any restrictions on how you park or what vehicles you park would be a matter for the roads authority or the police to deal with. However, that would be parking on a public highway. The sites that we are talking about are off the public highway, fairly exclusive and usually pretty tight for space. We are talking about larger vehicles, such as lorries and commercial vehicles. Some people bring lorries and buses home if they use them for their work, but they can cause trouble, as other residents on council estates may feel that they are taking up too much parking space or making an awful lot of noise early in the morning. Those difficulties exist elsewhere, but the housing department has no jurisdiction over the highway.

Mr McMahon: I am not trying to single out North Lanarkshire. My next question is more general. From visiting Traveller sites, I know that a common complaint is that, by their very nature, Travellers have to work from their caravans. That is the nature of travelling people, but there are specific rules on almost every site to say that they cannot use their pitch as a commercial or business area. Surely that is restrictive and discriminates against them?

Mr Freeland: That is true, but the fact that there are many children on the sites means that there is also a health and safety issue. In South Lanarkshire, we were successful in obtaining funding from the Scottish Office to create proper hard standings for lorries in recognition of the fact that lorries would use the site. There is a limit to

the number of vans and lorries that a site can deal with, because the sites are basically residential areas.

We have to remove the element of conflict. This morning, we have heard the view that the site manager is on one side and the Travellers are on the other. There appears to be a lot of rules and a lot of conflict between the Travellers and the warden. In South Lanarkshire, we have tried to remove the potential for conflict. In doing so, we have been fortunate in that one of the site managers was a travelling person. As with any tenancy, there must still be rules and regulations, but we want to work with the travelling community to ensure that the rules are flexible, especially with regard to letting policies. We want to encourage a more stable community on the travelling persons sites, if that is not a contradiction in terms.

The Convener: Before we continue, I inform members that we must let another committee have this room at 1.30 pm and that we have quite a lot of work to get through after we have finished taking evidence. I ask members to bear that in mind.

Linda Fabiani: I want to return to the funding issues. John Angus said that there was no direct capital funding from the Scottish Executive for sites and that the unit cost would be £25,000. In the absence of ring-fenced funding, would councils consider the provision of sites as part of their capital programmes? Would they consider site provision in the same terms as they consider council house provision?

Do councils keep their Travellers sites revenue account separate from their housing revenue account, or do they group both accounts as social housing provision? If so, what is the unit cost of managing one pitch on a site compared to managing one council house?

I have some questions specifically for John Gormley, who said that North Lanarkshire Council was thinking about privatising the management service on sites. Who do you think you will get to run that service? Where would the responsibility lie for the delivery of that service? How would the council monitor the service?

Mr Freeland: South Lanarkshire Council has met its pitch target, with the exception of Clydesdale. We would always consider setting up more travelling persons centres, but whether such a move would get political approval or be supported is a different issue. I do not think that such a move would become a priority.

There is also the old NIMBY syndrome. As the Convention of Scottish Local Authorities said, people are sympathetic to the needs but there are always objectors when it comes to the provision.

Linda Fabiani: Would such objectors be elected members?

Mr Freeland: The objectors would be from the community. The elected members would have to reflect that view and come to an opinion based on the level of public support or outcry. That is politics—elected members have to listen to the public and can choose to act or not on the basis of what they hear. It might take a brave politician to take a stand against the wishes of the community and say that they support the development of a travelling persons site in a certain ward.

On the revenue issue that you raised, South Lanarkshire Council includes Travellers sites in the general revenue account. I do not know the unit cost, but I can write to you with it.

Linda Fabiani: If you do not mind, that would be useful.

Mr Mills: As I said earlier, Fife Council is working towards the establishment of a third permanent site in Fife. That site was one of the last sites to be funded wholly by the Scottish Executive through the ring-fenced funding mechanism. Costs are significantly higher for the third site than they were for the first two sites. Despite that, the site will have only basic amenities to start with. The Travellers have already addressed that issue through the travelling persons working group. We, as a housing service along with other agencies, intend to expand the level of amenities over the next three, four or five years. However, that will take time and money.

Even after the site at Kelty opens, which we hope will be in 2002, there will still be overcrowding on one of our sites. There is room for the expansion of that site beyond the 50-pitch target for Fife. That issue will go on into next year and Fife Council will have to address it seriously. The land and the planning permission have been sorted out. The matter is simply one of budgets and budget availability and there would be a commitment to looking at that into 2002.

The travelling persons account is at present held on the general fund account and not as part of the housing revenue account. Whether that is right or wrong is a matter for debate. General capital funding has been very restricted in Fife in the past few years. Most capital funding goes to other social strategy sector services.

We charge at present around £52 per week throughout Fife. That is the average rent for a pitch and compares to an average council house rent of £37.50 for a three-apartment flat. There are significantly increased costs, which are mainly due to our insistence that site managers live on site.

13:00

Linda Fabiani: Are you saying that your sites are self-sufficient in respect of income and expenditure and are not part of the pooled rents?

Mr Mills: They cover their costs: that is council policy. However, the cost differential is there.

Mr Gormley: North Lanarkshire Council has also met its pitch target, although we have always challenged the fact that our target should be so high.

Travellers sites have been part of the general housing capital fund budget. Indeed, we are looking to get some repairs and improvements done on the Forrest Street site that has just been occupied. I have been asked to get costs and submit them. Those costs will challenge for a place on the housing capital programme with all the other projects. The costs would be treated simply as part of the programme. The same goes for revenue.

As I keep saying, there has been quite a change for the council as far as individual unit costs are concerned. We are busy trying to find out what those costs will be, because a new population has come in. We had scaled down the level of management that we had established previously. In fact, the travelling persons officer who works in the housing department has been doing other tasks because he had fewer responsibilities on site. A review is under way to see how many more tasks we should put back on to him.

We do not know the individual unit costs, but I was interested to hear John Angus say that one of the principles is that we should make sites self-sufficient in respect of funding. That would influence the level of rents that we set.

Linda Fabiani: One of the things that I am trying to get my head round is that, in council housing generally, there are pockets within any authority where there is a huge management cost per unit that reflects the culture of the particular area. Such schemes are never deemed to have to be self-sufficient, even if the costs are twice as much per unit as they are for a council house in a so-called nice area. Although the same basic service is provided in travelling peoples sites, why do they have to be seen as self-sufficient when other council housing areas do not?

Mr Gormley: I am not sure that I can answer that. Perhaps it is because such areas are separate and seem to be a little different.

I said that it would be difficult for me to give a unit cost because the scene has changed. However, when, for example, the Annathill site was full, a fair level of subsidy came from the housing revenue account. We could not make the site self-sufficient even on the rents that we

charged. The subsidy was necessary. I do not know where we will end up, but we are keen to follow up on that.

I have been asked a couple of times about privatisation. Last year, we placed an advertisement in some journals asking for expressions of interest from people who would like to take on the management. We left the advertisement vague to find out what sort of replies would be received. We received replies from two organisations and one from a Traveller who asked to do the job. We asked those two organisations what structure they would suggest. In the report to which I referred, the structure was described as a partnership between the council and the organisation. At that level, the intention would be that the partnership ran the sites and dealt with day-to-day difficulties. The council would continue to set the rules and the terms of the missive and to determine the overall strategy.

Linda Fabiani: So the council would continue to have responsibility.

Mr Gormley: Yes. At present, site management lies firmly with the housing and property services department. My director from the housing department chaired the working group that produced the report that I mentioned, which reviewed the advisory committee's report. For the multi-agency or interdepartmental approach that we are trying to achieve, the indications are that the director of housing will remain the chair.

Mr McGrigor: None of the sites that I visited was in Lanarkshire or Fife, but I would be grateful for comments nonetheless. COSLA's submission refers to complaints and liaison. I mention that because, at the Dennystoun Forge site, the main problem about which everyone complained was the access road, which is outside the site. I had trouble negotiating the road, even in a Land Rover. The potholes there had damaged the cars of several people from the site and it was difficult to take children to school. The local services and taxis would not come in, yet there seemed to be nothing that could be done about that. The council had been approached on numerous occasions, but no action had been taken.

Furthermore, at all the sites that I visited, the call to councils was that there were not enough transit sites, which would allow Travellers to travel. Within the sites, there are no play areas for children and no spaces for community meetings. If meetings are not held in someone's caravan, people must stand outside to meet, sometimes in the rain.

One or two people told me that they did not want to be on sites and would prefer to buy a small piece of land on which to put a caravan, but that planning laws prevented them from buying such land, because they wanted to put a caravan rather

than a house on the site. I would be obliged if you commented on those points.

Mr Angus: I will comment on the complaints, which are relevant to something that happened to us. We had a perfect site with perfect access, but local people opposed it and chose another site for us, which was about one and a half miles away in the middle of a wood and was totally unacceptable. That is the problem. As Lindsay Freeland said, the public do not mind having a Traveller site, provided that it is not next to their houses and is in the back of beyond. Such sites have access problems. If authorities are to try to find more sites, they must be robust in sticking to the sites that they want.

I will return to the question about section 94 consents. All authorities might consider building new sites if they received section 94 consent to do so. If not, as Lindsay Freeland more or less said, there are not too many votes for a local councillor in supporting a Traveller site on his patch. That is a major problem.

Mr McGrigor: My question was about whether individual Travellers could obtain sites. The present planning laws seem to make that almost impossible.

Mr Mills: In west Fife recently, planners regarded one such application as development in the countryside and did not support it. If a Traveller has the means and the opportunity to buy a piece of ground on which to site a caravan and other vehicles, obtaining the ground seems a sensible way forward. Unfortunately, planning rules on development in the countryside do not favour that approach.

Local authorities tend to form the view that sites that are developed and managed by councils are the way forward. We must give opportunity and choice to Travellers. We have developed the approach, through previous funding arrangements, of developing council-owned and managed sites. Whether that should be the way forward in future is a matter for debate, but many authorities are currently trying to improve community amenities and to introduce training projects for young people on the sites.

There is more of a non-housing approach to managing sites than has been the case heretofore; there is wider interest in developing on-site amenities. Until that has been developed to the best standard that we can reach, other thorny issues such as developments in the countryside for individual Travellers will not be given as much scope as council-owned and managed sites.

Cathy Peattie: I will try to be brief.

From the evidence that we have received to date, the experience of Gypsy Travellers seems to

be that the sites vary according to where you go, which local authority is responsible, how good the site manager is and how good or bad the provision is. We have heard about some good work. Kevin McGowan spoke about the need for liaison, or what I would call community development.

What role does COSLA have in drawing up a strategic approach and encouraging local authorities to share good practice and deal with some of the problems that exist?

Mr Angus: As I said, COSLA is going through a process of deciding what its future is and what it can take on board, depending on whether some authorities come back into the organisation.

COSLA could be involved in the co-operation policy. I do not mean that it would make up the policy; the policy could be based on the Department of the Environment, Transport and the Regions model. Northern Ireland also has good models. Other authorities, the travelling people, the police and other organisations would be involved. I would like the policy to say, "This is what we, as a society, will provide for you." The policy would apply whether provision was made at a transit site, which I am not keen on, or at a site where the authority is happy for travelling people to move in and stay for two or three weeks. The policy would state, for example, that bin bags will be collected and give the location of the doctor's surgery. The policy would state what society will provide for the travelling people and what society expects the travelling people to provide to society while they are on the site. That approach appears to have been successful down south.

Perhaps COSLA could draw together that co-operation policy. If COSLA or the Scottish Executive does not do that, who else will? If we are to make progress, somebody must disseminate among local authorities and health boards the examples of good practice that have been mentioned today and say that they represent where we should be going. Somebody must take a lead on that. It could be COSLA or the Scottish Executive.

Cathy Peattie: As we know, services are not working together in some areas. You are saying, rightly, that Gypsy Travellers are part of that. How do we ensure that they are part of the decision-making process and that people do not just make decisions and hand them on to the Gypsy Travellers?

Mr Angus: Several organisations support and represent Travellers. As a local authority, we are dealing with a consortium that includes the Scottish Gypsy Travellers Association and Save the Children. The consortium was involved in the discussions with the advisory committee. We must also get on board representatives from permanent

sites. The way forward is to involve them. The days of the local authorities saying that they know what is best for the Travellers have gone.

Cathy Peattie: I am interested in hearing about the work that has been done in the Fife project. Who is represented on the Fife travelling persons working group? How does the group work? What are the barriers to making such projects work?

Mr Mills: For the past six months, we have had direct representation from the Heatherywood community association—about four or five travelling people come along to the group meetings—and we hope to extend that model to the second site at Tarvit Mill. We also have representation from Save the Children and the SGTA. When Travellers' representatives come along to a group, they are interested in operational matters and we sometimes lose the focus on the more strategic issues such as how we can develop the network across Fife. We want to address that. We do not want to exclude anyone, but we want to focus on strategic issues as well as the day-to-day operational issues, which could be dealt with as a sub-group.

In Fife, it has been difficult to gain interest from some of our council services. We have been working through the chief executive to resolve that and the message has gone out from him that the project is in all our interests and that those services should be part of it. We are looking for further development of the liaison group, keeping in mind the strategic issues as well as the operational issues and not confusing them.

13:15

Cathy Peattie: So, it is a hearts-and-minds issue for folk in the services.

Mr Mills: Yes. Last spring, the Travellers in Fife recognised that there was a need for some sort of seminar to include people who were not party to the process. At that point, the council's chief executive said that we should get our own house in order before going out and dealing with the public. I think that we are now ready to move on to the next stage. It is very much a hearts-and-minds exercise.

Cathy Peattie: Do you think that the travelling community could help to raise awareness of the project in the public services and the wider community?

Mr Mills: Absolutely. They should be at the centre of that process.

Elaine Smith: Michael McMahon asked a couple of specific questions to which I wanted answers. He raised the important point that we can ask those questions only because North Lanarkshire Council was kind enough to provide

its rules, regulations and forms. Perhaps the committee could ask other councils whether they would also be kind enough to submit their rules, regulations and forms.

I also wanted to ask about children's play, but we do not have time and Jamie McGrigor has touched on the matter. Under the "General Estate Management" section of your submission, under the heading "Selection of Tenants", you say:

"Applicants with a local connection with North Lanarkshire would receive priority in allocation of pitches."

I am slightly concerned about that, especially from the point of view of gender issues. We heard Christine Carmichael talking about issues of domestic violence. What about problems such as those? The statement in your submission also seems a bit strange in terms of Travellers' lifestyle.

Mr Gormley: It seems almost a contradiction in terms to say that Travellers would have a local connection, so I appreciate your question. However, in our experience, Travellers can have connections with an area. Recently, a number have settled in the Glenboig area, where there is a tradition of Travellers and families associations. We are attempting to recognise and give some sort of priority to those who have visited the area before and who have families in the area from whom they can get support. That is the only intention behind the prioritisation. I do not understand your reference to domestic violence.

Elaine Smith: When people present themselves to North Lanarkshire Council as homeless, do you require them to have a local connection before you deal with their homelessness application? You require people to have a local connection, but they may come to North Lanarkshire because they do not have a connection with the area—they may be fleeing from another area in which they have been the victims of domestic abuse.

Mr Gormley: We would not treat homelessness applications from Travellers any differently from the way in which we treat other homelessness applications. When people come to us, under those circumstances, we follow the legislation. If someone who is fleeing domestic violence approaches North Lanarkshire Council—and that is a fairly regular occurrence—we will deal with their application. If we think that they have a strong connection elsewhere, and if there are arguments for their referral elsewhere, we will refer them elsewhere; however, that happens rarely with any applications under the homelessness legislation.

The Convener: I thank all the witnesses for their attendance. It may be necessary to take more evidence from local authorities, as that evidence seems to have generated the most interest from members.

Reporters

The Convener: Under the final public item on the agenda, we will hear from committee reporters. We must leave the room very soon.

Elaine Smith: Members have the paper that I have submitted and they will be aware of the judgment by Lord Abernethy at the weekend. If that judgment is Lord Abernethy's interpretation of the law, it suggests that rape is rape only if there is some suggestion of force. I find that very worrying. I thought about lodging a motion, but I wanted to wait until after today. I now know that Johann Lamont has lodged a motion, which I am eager to sign.

I would like the committee to ask Colin Boyd and Jim Wallace whether the committee's gender reporter could be kept informed of the review and clarification of that case. I also want to draw the committee's attention to the fact that Pauline McNeill's members' business debate tomorrow is on drug-assisted date rape. Finally, I ask that the committee passes my report to the two justice committees and to Jim Wallace for their information, and that the committee gives me leeway to continue working with the clerks on this subject.

The Convener: Is that agreed?

Members *indicated agreement.*

Mr McMahon: There are three items in my report to which I want to draw the committee's attention. The first two inform members that I have been meeting with the groups concerned. Given our work load, we cannot deal with refugees and asylum seekers and sectarianism at the moment, but I want to ensure that members know I am still talking to the groups that are named in the report.

The third issue needs more clarification. On a couple of occasions, in response to bills, we have said that we consider discrimination to be as defined in schedule 5 of the Scotland Act 1998. Some groups have asked me whether that definition applies to service providers, service users or both. I wondered whether the convener could write to Jim Wallace on behalf of the committee to ask him what that definition means. Religious organisations may require to seek exemptions to allow them to recruit people of a specific religious denomination. There is provision within the ECHR and British legislation for such recruitment to take place, and I would like to know whether that provision also exists in Scottish legislation.

The Convener: Okay. Is that agreed?

Members *indicated agreement.*

The Convener: We now move into private session.

13:21

Meeting continued in private until 13:25.

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