

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 5 June 2001
(Morning)

Session 1

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CONTENTS

Tuesday 5 June 2001

	Col.
ITEMS IN PRIVATE.....	1241
TRAVELLING PEOPLE.....	1242

EQUAL OPPORTUNITIES COMMITTEE

12th 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)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

*attended

WITNESSES

Jackie Baillie (Minister for Social Justice)

Malcolm Chisholm (Deputy Minister for Health and Community Care)

Louise Donnelly (Scottish Executive Development Department)

Michael Ewart (Scottish Executive Education Department)

Helen Jones (Scottish Executive Development Department)

CLERK TO THE COMMITTEE

Lee Bridges

SENIOR ASSISTANT CLERK

Richard Walsh

ASSISTANT CLERK

Roy McMahon

LOCATION

Committee Room 1

Scottish Parliament

Equal Opportunities Committee

Tuesday 5 June 2001

(Morning)

[THE CONVENER *opened the meeting in private at 10:02*]

10:09

Meeting continued in public.

Items in Private

The Convener (Kate MacLean): Do members agree to take items 4 and 5 on the agenda in private?

Members *indicated agreement.*

Travelling People

The Convener: The next item is our inquiry into travelling people and public sector policies. I welcome Jackie Baillie, Minister for Social Justice; Malcolm Chisholm, Deputy Minister for Health and Community Care; and Michael Ewart, head of the schools group at the Scottish Executive. He will be supporting the ministers on questions on education. I also welcome Louise Donnelly and Helen Jones. The ministers may want to say a couple of words before taking questions from the committee.

The Minister for Social Justice (Jackie Baillie): I welcome the committee's inquiry into the experiences and circumstances of Scotland's travelling people. The committee has touched on a wide range of issues. With your agreement, we propose that Mike Ewart picks up on education questions, Malcolm Chisholm picks up on health questions, and I will attempt to answer the rest. If we do not manage to cover every area, we will certainly be back in touch.

It is fair to say that we all want equality of opportunity to be part of the main stream. We agree that discrimination and prejudice are entirely unacceptable. Those principles underpin our social justice strategy and are central to our equality strategy.

The Scottish Executive appreciates the valuable input and commitment from public sector agencies and from travelling people themselves to this inquiry. We congratulate the committee on its rigorous approach and on its commitment to involving travelling people in its deliberations. The committee has taken evidence widely, from health boards, local authorities, race equality councils, the Association of Chief Police Officers in Scotland, and individuals such as Dr Betty Jordan of the Scottish Traveller education programme. That has, in turn, added considerably to our knowledge of Scotland's travelling people and of the public services available to them. In addition, the contributions of agencies such as the Scottish Gypsy Traveller Association, the Scottish Travellers Consortium and Save the Children have been especially useful. Young Travellers have given us an insight into the understanding and experiences of travelling people.

In making progress with the implementation of our equality strategy, we are working—as the committee will appreciate—within the broad definition of equal opportunities in the Scotland Act 1998. In all our work, we are striving to ensure that the particular needs, circumstances and choices of specific communities of interest, such as travelling people, are taken into account.

Through research that has been commissioned jointly by the Scottish Executive and Scottish Homes, there is now greater understanding of the range of consultative methods and networks that are required to enable greater participation by travelling people on issues of concern to their communities. We recognise that more work will be required. We also recognise the importance and role of better information on all equality groups. Issues of concern to travelling people will form part of the longer-term development of research on Scotland's communities.

The committee's inquiry will be immensely useful to our work on equality of opportunity for travelling people. We have learned a great deal—as I am sure the committee has—through the evidence that the committee has taken, through the site visits, and through the committee's discussions. We will reflect on the committee's recommendations when we receive them and we will respond to them. This is an opportunity. The committee and the Executive can work together effectively to address the discrimination and prejudice faced by Scotland's travelling people. Malcolm Chisholm shares the view that we have an opportunity for constructive dialogue. From our point of view, that will be a welcome start to the process.

The Convener: Malcolm, do you want to add anything?

10:15

The Deputy Minister for Health and Community Care (Malcolm Chisholm): I did not plan to add anything, but I am happy to do so, if that is how you want me to proceed.

Obviously, I have read the committee's evidence on health to date. It chimes with work that we are doing and the Executive is looking forward to the final report. We realise that there is a problem. Good practice in some health board areas has been flagged up—the witnesses from Lanarkshire and Highland health boards spring to mind. I am pleased that a project in the Highlands received support from us through the child health innovation fund this year. We recognise, however, that there is a very long way to go.

Two pieces of on-going work will help to address the issues. One is a study on access, which we commissioned from the Scottish Consumer Council last summer. I have seen the draft report and it should be published very soon. Travelling people were involved in the study—a focus group, for example, involved them exclusively. Some recommendations in the report will pick up on some of the concerns that have been expressed.

The other piece of work relates to minority ethnic groups in particular and was flagged up in the

health plan. We said that we would

“require NHS boards to ensure that NHS staff are professionally and culturally equipped to meet the distinctive needs of people and family groups from ethnic minority communities”.

We have carried that further by commissioning a group to consider all the health board areas of Scotland and the extent to which they are responding to the distinctive needs of ethnic minority groups. We will build on that report and produce guidance to ensure that the issues are taken on board far more seriously and comprehensively.

Once again, I admit that enormous failings have been exposed—in relation to Travellers in particular—through the Equal Opportunities Committee's investigations.

We do not simply want to issue guidance and disseminate best practice, although they are important. We are determined to ensure that things happen. That is why the recent document, “Rebuilding our National Health Service”, describes a new performance assessment framework and refers to that assessment holding boards to account in terms of

“fair access to healthcare services”.

We are therefore determined that, in the accountability reviews, we ensure that health boards take action in those areas. There is a problem, but we recognise that and are taking action.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): One of the issues arising from the committee's evidence so far has been a debate on the ethnicity and status of the Gypsies and travelling people which involves even those who define themselves as such. Has the minister given any consideration to supporting recognition of Gypsy/Travellers as an ethnic group?

Jackie Baillie: We are aware, from the committee's evidence and from outwith, that there is a feeling among Gypsy/Travellers that to gain such recognition would give them a voice and access to legal recourse against discrimination. However, simply having ethnic minority status does not in itself end discrimination. Considerably more work needs to be done beyond that. As the committee is aware, the matter is reserved to Westminster as part of the Race Relations Act 1976.

In respect of the 1976 act, Irish Travellers and Gypsies were considered racial groups by the courts. That enabled them to be considered as part of the 1976 legislation. Our advisory committee on travelling people did not make recommendations on that because views were not so much divided as different. It is a matter for the

courts to interpret legislation—as they did in the case of Irish Travellers and Gypsies.

We are keen to focus, where we can, on the positive new framework that has been put in place by the Race Relations (Amendment) Act 2000 to ensure that there is an opportunity to promote equality for Gypsy/Travellers, specifically across public services in Scotland.

Mr McMahon: Your answer leads me to ask another question. Without identifying Gypsy/Travellers as an ethnic group, it becomes difficult to differentiate between them and other types of Traveller. That leads to the difficulties that the police and local authorities have with unauthorised camping. In moving away from the present policy of toleration, which everyone abhors, and moving towards a policy of co-operation, will local authorities and the police require guidance on their policy? Should there be practical guidance on the management of unauthorised camps?

Jackie Baillie: We have issued two particular pieces of guidance that are relevant. One is on the identification and construction of sites and the other is on the management of sites. To my knowledge—and the people with more detailed information may correct me—we have not issued guidance on how to deal with unauthorised encampments.

The advisory committee on travelling people recommended that the police, local authorities and other agencies in a local area come together to devise strategies for dealing with those travelling people who are in illegal encampments. Since then, we have written to every local authority to advise them of the recommendation. To date, 16 local authorities have reported that they are implementing that recommendation and have set up strategy groups to prepare guidance and information and agree a local plan. We are chasing the remaining 16 local authorities to ensure that that applies across the board. If the committee feels that more guidance is required, I would be happy to examine the situation in more detail.

Helen Jones (Scottish Executive Development Department): Chapter 5 of the advisory committee's ninth term report set out some detailed guidelines for how a local authority and a local police force might go about drawing up strategies for unauthorised encampments. That was done in an attempt to be helpful to those local agencies. We hope that the agencies will build on the guidelines when drawing up strategies suitable for their circumstances.

Mr McMahon: Would it be more helpful if Gypsy/Travellers were consulted when new sites are developed? The advisory committee has

decided that the pitch numbers are adequate but the evidence that we have heard suggests otherwise. Have you any plans to enhance the consultation between local authorities and Traveller groups on the development of sites to ensure that local assessment and the assessment of the travelling community forms the basis on which the number of sites and pitches is planned?

Jackie Baillie: As a general principle, we have no difficulty with involving users of services with the planning and delivery of those services. Therefore, I would heartily support the involvement of Gypsy/Travellers in helping us to identify where sites should be, how the pitches should be laid out, what amenities are required and so on. We will consider that when we come to review the sites.

We had a target of 937 pitches across Scotland. We are 90 short of that target because, when we ended the grant scheme that was available, regrettably, some local authorities were not going to avail themselves of the grant to enable them to develop sites for Gypsy/Travellers. Nevertheless, there is good coverage across Scotland. We need to be clearer about whether the sites are in the right place and whether they are suitable for the needs of Gypsy/Travellers. You are quite right to say that the people who can tell us that are the Gypsy/Travellers.

Mr McMahon: The Travellers have clearly told us that there are major difficulties on existing sites, such as the standard of accommodation, the rules and regulations that are applied and the difficulties that they have in dealing with site managers, local authorities and so on.

We can see the clear link between the Scottish Executive and the local authorities on public sector provision, but problems have also been identified with private sites. How could the Scottish Executive resolve those?

Helen Jones: I will answer the question about public sites. There were mixed views on aspects of public sites. The very useful survey of Travellers, which Delia Lomax was involved in producing—"Moving On: A Survey of Travellers' Views"—showed that there were often opposing views in the Traveller community on site regulations and barriers for sites. Site rules were respected by some people, who felt that it was necessary to have rules in place so that everyone understood who should be coming on to and off the site. Other Travellers did not like those rules.

It is the same with site barriers. Some Travellers saw them as intrusive; others felt that they were useful. The committee heard from Mr John Gormley about alleged intimidation in North Lanarkshire. Some Travellers feel that the site barriers are very useful because they help to

prevent these problems. Site regulations and barriers are difficult issues. Whether they are good or bad is neither clear cut nor black and white.

Mr McMahon: Perhaps accommodation within settled communities is a matter which is black and white. Is there a role for Scottish Homes, as the executive agency, in the provision of accommodation for Gypsy/Travellers through strategic planning, development funding and innovative pilot projects?

Jackie Baillie: There is a role for Scottish Homes as the new executive agency. I will take the committee through the various bits of the Housing (Scotland) Bill that will help.

Provisions in the bill enable Scottish Homes to regulate the management of sites. That will be helpful in ensuring that standards are raised across the board. There are clear variations in how sites are managed.

The bill also provides a general framework in which equality issues and needs in housing can be addressed. We intend to do that through local housing strategies. Local authorities will, rightly, take the lead in developing local housing strategies for their area. Those will include provisions for travelling people. As part of that, there must be consideration of the needs of Travellers in relation to sites and accommodation within the settled community.

Plans must take account of those needs, in order to meet them most effectively. As a strategic partner, Scottish Homes—or the new executive agency—will want to ensure that the local housing strategies reflect the needs of the local area and the overall housing market and it will recommend decisions on development funding, based on the evidence supplied in the local housing strategy.

The Convener: I will make some comments, as you mentioned the Housing (Scotland) Bill.

There is already local authority provision and private provision. I have had correspondence and discussions with you about an issue that has been raised with us about whether there would be a possibility of Gypsy/Travellers setting up housing associations to run some sites—not all sites, as there would still be local authority provision and private provision. The problem seems to be the definition of “home” in the Housing (Scotland) Bill. I know that the Executive did not accept an amendment at stage 2 and I do not think that it would be prepared to accept an amendment at stage 3. However, the committee may want to come back to the issue in our report and we might want to amend the legislation at a later date.

If the Executive is offering every other person mixed tenure so that their housing needs can be met through the private sector or the local

authority sector, then there should also be the option of housing associations. Could you say a little bit about that?

Jackie Baillie: I was fascinated by the point that you raised, convener. We took advice from several quarters on the matter, because I thought that there was merit in considering it further. The considered view was that an organisation that was set up to acquire or manage the sites may not be eligible for registration as a registered social landlord because of concerns about their long-term financial viability. That was the view that was taken in the case of a new organisation. I was not entirely clear whether the convener was talking about an existing housing association's acquisition of a neighbouring site as part of its overall work. At this stage, we have not explored the issue much further than that, as our preference is to wait for the outcome of the Equal Opportunities Committee's report. Our initial view is that the practicalities would make the proposal quite difficult.

10:30

The Convener: You could be persuaded, however.

Jackie Baillie: By you, convener.

Mr Jamie McGrigor (Highlands and Islands) (Con): Gypsy/Travellers have expressed concerns to us, as have other organisations, that some police practices such as stop and search of vehicles and visits to sites to search vehicles and property are giving rise to a lack of confidence in the police. That may inhibit Gypsy/Travellers from coming forward to report cases. When Gypsy/Travellers are victims of crime or suspected offenders, what can be done to build up their confidence and trust in the police?

Jackie Baillie: I will make a couple of general points before bringing in Louise Donnelly to comment in more detail. As with any group, a closer working relationship is needed between travelling people and the police. When the police understand travelling peoples' different lifestyles and cultures, they will appreciate that some of the behaviour that they see is not anti-social or criminal. Equally, over time that dialogue will, I hope, lead travelling people—on the other side of the fence—to view the police as an organisation that is there to help. As the committee appreciates, arriving at that understanding takes dialogue, the exchange of information and education. There must be a process of building up trust, which is perhaps not evident in some areas.

Louise Donnelly (Scottish Executive Development Department): The steering group that was established by the Deputy First Minister to take forward the action plan on the

recommendations from the Macpherson report is conscious that travelling people are as affected by institutional attitudes and behaviours as some other groups are. The Equal Opportunities Committee heard evidence that the police are working as part of multi-agency working groups. As the minister said, the evidence that will emerge from the building up of those relationships will make a real difference for Travellers in particular communities.

ACPOS is committed to developing a national equal opportunities training strategy. It will also take forward the recommendations of the report by Her Majesty's inspectorate of constabulary in Scotland, "Without Prejudice? A thematic inspection of police race relations in Scotland". As ACPOS said in its evidence to the committee, it is willing to learn from the results of the Equal Opportunities Committee's inquiry. ACPOS also sees scope for considerable learning and the development of good policing, which it believes will flow out from the work that is being taken forward under the Stephen Lawrence action plan.

Mr McGrigor: Further to that, the committee has heard evidence of hostile reactions from some members of the settled community towards Gypsy/Travellers. At times, there is also stereotyped representation of Gypsy/Travellers in the media. What can be done to promote good relations between Gypsy/Travellers and the settled community? What plans are there to promote better race relations for Gypsy/Travellers? What practical guidance has been provided to local authorities and other public bodies on their responsibility to promote equality for Gypsy/Travellers in Scotland under the Race Relations (Amendment) Act 2000?

Jackie Baillie: There are a number of different parts to the question. I will try to capture them all.

As part of our overarching equality strategy, we are considering a number of different strands of work that will impact on travelling people. We intend to consider a series of general awareness-raising campaigns and we are in discussion with the Commission for Racial Equality about the possibility of running a campaign to tackle racism in Scotland. That campaign will take many different forms, but it is about promoting better understanding between different groups, communities and ethnic groupings. We are about to act on that and will work on it over the summer with a view to producing something in the autumn.

The equality strategy is specific about the need to engage not just the Executive but all service providers in the public sector, non-departmental public bodies and beyond. Equality will become a reality only if everyone is working towards the same objective. We intend to underpin a lot of that work through the best-value framework in local

government to ensure that people are focused on the needs of different groups in society.

On implementing the provisions of the Race Relations (Amendment) Act 2000, we are working with the CRE to ensure that appropriate tools and guidance are in place. We are also working with local authorities and others to ensure that they are aware of their new duties and how they must implement those to conform with the act. That detailed work is going on as we speak.

Mr McGrigor: I come back to Michael McMahon's question about sites. Some of the sites that we visited, in particular one in the Highlands, were in the sort of area where one would not want to build any sort of site for people to live in. One was in a quarry. I also have a point on the site at Dennystoun Forge, which I think is in the minister's constituency—it is near Dumbarton, anyway. The access road to that site is absolutely intolerable and gives the Gypsy/Travellers the feeling that they are being forgotten. I ask the Executive to take those points on board.

Jackie Baillie: You will be aware that, when local authorities are identifying sites and in discussion about particular sites, they need to take the same approach in conforming to planning guidelines as anyone else would. We are reviewing planning guidelines to ensure that they are fit for their purpose and that they provide an opportunity for the people who are affected to get involved in the process.

The roads to sites, the facilities on sites and, in some cases, the lack of facilities on sites are what led us to ensure that, under the Housing (Scotland) Bill, Scottish Homes will, as the new executive agency, monitor the management of sites and therefore the standards of sites. We are keen not just to emulate the best but to raise the standards of those sites that have been left behind. That applies to facilities on and leading to sites.

Elaine Smith (Coatbridge and Chryston) (Lab): Originally I had one point, but now I have two. I am sorry, Jackie—I have to take you back to the beginning, because my point relates to Michael McMahon's first point. I want to be clear about what you said, which I may have picked up wrongly—it was a wee while ago in the evidence. You seemed to be saying that the courts would determine whether Gypsy/Travellers in Scotland were an ethnic group. Are you saying that they could be an ethnic group in law, but that a test case would be needed to ascertain that?

Jackie Baillie: That is exactly what I am saying. The Race Relations Act 1976, as far as I am aware, does not specify particular groups but talks about race relations in general and ethnic groupings. Test cases have been taken to the

courts—by the CRE in one case, if not in both—to request that Irish Travellers and Gypsies be considered as racial groups under the terms of the 1976 act.

Elaine Smith: So we are talking not about a change in the law, but about a case to test the law.

Jackie Baillie: Yes. The legislation is quite general. It is a matter for the courts to determine the interpretation of the law and that might be a helpful way in which to proceed.

Elaine Smith: Thanks. That is clear now.

My second question is on the housing issue and follows on from what Michael McMahon and Kate MacLean have said. Gypsy/Travellers on council sites pay rent to the council but do not seem to have much in the way of tenants' rights on the sites. I am not a great fan of the right to buy, as you know.

Jackie Baillie: Never.

Elaine Smith: However, as it exists, we must consider equity in its application. When a family who have been on a Traveller site, paying rent to the local authority, move into settled housing, they do not have any accrued discount if they want to exercise their right to buy that settled house. I would be grateful for your comments on that. Kate MacLean has talked about housing associations. What about mutual co-operatives? Might you be able to consider that model?

Jackie Baillie: I shall deal with your last point first. As I said to the convener, I am happy to consider different models, although they must be financially viable. That was the key problem for us. We will engage in further dialogue on that point. We should be focusing on getting what already exists right, and doing so with speed, before we consider what other models could be put in place.

I know that Elaine Smith has, in the past, had difficulties with the right to buy. However, I take her point about equity. We examined the case for giving Gypsy/Travellers a Scottish secure tenancy, but we did not feel that that was suitable. The tenancy agreements that are enjoyed by Gypsy/Travellers are tailored to reflect their needs—for example, the fact that they own their caravans and rent only the site. In addition, for many months, especially in the summer, they can be mobile yet retain the site that they have rented.

If someone wanted to exercise their right to buy their site, let alone settled accommodation, the inherent problems—site management, refuse collection and other duties that are usually undertaken by the site manager on behalf of the whole site—would make that difficult. We felt that, given the mobile nature of the Gypsy/Traveller community, it would be extremely difficult to calculate any discount under the right to buy if

people moved permanently into settled accommodation. We would have to start counting different times spent at different sites, taking into account the differences between private sector sites, local authority sites and illegal encampments. Even if we accepted the principle, it would be fraught with difficulty and hard to define in legislative terms. We therefore felt that we could not pursue that principle.

Kay Ullrich (West of Scotland) (SNP): I return to the issue of policing and attitudes. Malcolm Chisholm may want to comment on this. In my long and somewhat chequered past I was—for my sins—a hospital social worker. I hope that you will indulge me, as I would like to recount my experience of working with an old and respected member of a Traveller family who was dying in a hospital in Ayrshire. The large, extended family were gathering at the hospital to pay their respects and to say their goodbyes to him. For some reason or other—I would say for discriminatory reasons—police forces from the area had decided that, as all the family was together in the one place, that would be a great opportunity for them to exercise outstanding warrants. To my horror, this they did.

Frankly, I felt then and feel now that the police would not have done that with a member of a non-travelling family. That says something about police attitudes and about attitudes among the national health service workers who were allowing that to happen. The police were out in the waiting room, going up to members of the family, asking their names and serving the outstanding warrants. We must surely address that.

10:45

Jackie Baillie: I do not disagree at all with those comments. I have no detailed knowledge of the case that you have outlined, but I have no reason to doubt what you say. I think that the police have come a long way in a short period.

Kay Ullrich: That was from some time ago, but I am still concerned.

Jackie Baillie: The police have come a long way in a short time, as indeed has our knowledge of the travelling community. Equally, we have a considerable way to go in our understanding. As a point of principle, bedding down the mainstreaming of those issues in people's policies and practices—into how the police operate, how the health service operates and how the Executive and Parliament operate—will provide the key to changing the abhorrent attitude that you have described. Collectively, we are committed to doing that. I recognise that it will take time to change what are deep-seated attitudes, but we are committed to doing so. I think that the huge change that there has been in the police will

deliver a similar outcome.

Malcolm Chisholm: Jackie Baillie is obviously correct in saying that the incident that Kay Ullrich described was totally unacceptable. I suppose that the police were in the lead in that case, but Kay is suggesting that the NHS staff were colluding.

We are aware that there are bad examples—I recall what Dr Iain McNicol said to the committee in April about a surgeon, I think. We are accepting that there are problems, which are part of racism and institutional racism in society. The important thing is that we now recognise that and are committed to dealing with it.

Kay Ullrich: The incident was some time ago, but it stuck in my mind as abhorrent. Think of how it stuck in the minds of that family and think of the attitude that they will probably have towards the police, and perhaps even health service workers, as a result. We must ensure that that sort of thing does not happen again.

Cathy Peattie (Falkirk East) (Lab): Jackie Baillie spoke about getting things half right—I think that that is absolutely correct, as we want to move forward. However, unless what already exists is working, it is difficult to develop it. How do you do the hearts-and-minds job? It is possible to issue guidance, which people will see and say, “Yes, of course,” but which they will then stick in a filing cabinet and not do much about. That may be the case in a local authority, the health service or the police. How do you make sure that such guidance works and that all the good talking actually happens on the ground?

Jackie Baillie: There are a number of ways of achieving that. We have been keen to increase the number of sites, to consider their amenity and to provide guidance on them. Through the Housing (Scotland) Bill, our approach is that, although the carrot works well, we sometimes need a little bit of the stick. We are therefore bringing sites and site management under the new regulatory framework. That will, I think, lead to improvements.

Winning hearts and minds is much more difficult. It is partly about awareness-raising campaigns, which have been used successfully in tackling domestic abuse and other issues that we have brought to public attention. We are working with the CRE to consider how we can take forward an anti-racism campaign across Scotland; that campaign needs to be sustained if we are to change attitudes in the long term.

We should not underestimate the role of this committee and the Parliament in raising awareness and giving people in statutory agencies, the voluntary sector and communities a different sense of the needs of travelling people in Scotland. We can pull a number of levers. The problem is not a short-term one but something that

we need to tackle in the long term.

Cathy Peattie: Do you agree that, if guidance is issued to local authorities or to the police, it needs to be monitored? If the guidance concerns how people relate to Gypsy/Travellers, Gypsy/Travellers must be involved in monitoring how the service is working. We need the structures that would enable that.

Jackie Baillie: I have no problem with that in principle. We see community planning as one of the most useful ways forward. As members know, we have given local authorities the strategic lead in community planning. We are clear that when constructing their community plan they should involve all the key partner agencies. Critically, they should involve the community itself. They have an opportunity not to restrict themselves to particular geographical areas, but to examine specific subject areas. One of the recommendations of the advisory committee on travelling people was that, in future, travelling people's needs should be considered as part of the community planning process in local authority areas. I commend that approach. It would involve travelling people helping to devise the plan and to monitor it.

Cathy Peattie: That is the right way forward. Do you agree that it requires active community development practitioners working with communities? That will not happen by magic. Community participation in planning needs to be supported. That applies to no one more than to Gypsy/Travellers.

Jackie Baillie: You will not be surprised to hear me say that I agree entirely. Capacity building, another issue that comes within my portfolio, is critical if communities—both the travelling community and the wider community—are to engage successfully with the planning process. I am aware of the work done by Save the Children with the travelling community. I am also aware that the Scottish Gypsy Traveller Association is considering establishing—it may already have done so—a series of local and regional networks that will enable people to become involved.

The Convener: We now move on to health.

Kay Ullrich: One problem seems to be a lack of information about the health needs of Gypsy/Travellers in Scotland. Evidence from elsewhere in the UK indicates that Gypsy/Travellers are more likely to have a low life expectancy or to experience accidents, suicide, illness and child development problems. Do you have plans to collect data or to do research on the health needs of Scottish Gypsy/Travellers? If we assume that they are likely to have the same problems as are evidenced elsewhere in the UK, what do you think can be done to reduce what appear to be health inequalities?

Malcolm Chisholm: The evidence that I have seen is alarming and the health inequalities to which you refer seem to be dramatic. As I said in my introductory remarks, we intend to ensure that services are more responsive to the needs of particular ethnic groups. Assessing the needs of those groups is a precondition for that.

Kay Ullrich is right to point out that little work has been done in this area. I am here not to defend what has been done but to outline what we intend to do. We admit that, over many years, this has been a sadly neglected area of health policy. The same is no doubt true of other policy areas. I acknowledge that there is a problem. We know in general that there is a great deal of inequality, but we lack detailed information. Assessing needs will be an important part of our initiative on ethnic minority health.

Kay Ullrich: Do you have plans to collect data on, or to research, health inequalities for Gypsy/Travellers?

Malcolm Chisholm: No plans that meet your concerns exactly have been announced, but such work will be taken on board as part of the overall strategy.

Kay Ullrich: Can we hope that we might encourage you to undertake such work?

Malcolm Chisholm: I am always keen to listen to committees. We will try to take on board the recommendations that the committee makes on health.

The Convener: I support Kay Ullrich on that. We heard evidence from Highland Health Board representatives that life expectancy for Gypsy/Travellers is 55, which is far lower than that for any other group, including black and ethnic minority groups in Scotland. That figure points towards the possible need for some separate research into the health needs of Gypsy/Travellers.

Malcolm Chisholm: I noticed that shocking figure. To simplify, there are two sides to the matter. Health services have been the major issue that has been raised in the committee's considerations, but health promotion initiatives that are delivered in a culturally appropriate manner are also needed. They must be an important part of our policy.

Kay Ullrich: One reason for the apparent health inequality may be the institutional discrimination that Gypsy/Travellers feel that they experience, and have provided evidence of, in accessing primary and secondary care. Part of that is difficulty with general practitioner registration. We heard evidence that GPs are not especially willing to register people from the Gypsy/Traveller community. Might the funding arrangements,

which provide remuneration for meeting targets on matters such as immunisation and screening, discourage GPs from registering Gypsy/Travellers?

Malcolm Chisholm: It is clear that a problem exists. GPs have the right not to register any of us or to remove any of us from their lists. People will have views on that, but that is the situation. However, primary care trusts are required to ensure that a GP is provided, so if Travellers are rejected by a GP, the primary care trust will have to allocate a GP.

As for the financial situation, temporary residents are not included in the calculations for target payments for immunisations and some other services, so there is no financial disincentive for GPs in taking on travelling people as temporary residents and that should not be a major factor. I suspect that the more general issue of discrimination may apply in some cases.

Kay Ullrich: Could funding systems be established to encourage GPs to register Gypsy/Travellers? I remind you that many Gypsy/Travellers are settled in sites, so they are not particularly temporary to a local GP.

Malcolm Chisholm: I am not sure whether we would want to give financial incentives to register particular groups. It would be more appropriate to tackle any discrimination that exists. Financial incentives might send out the wrong message and imply toleration of discrimination. I am not attracted to that suggestion. However, we should make it clear that there are no financial disincentives to registering temporary residents.

Kay Ullrich: The idea of hand-held patient records kept cropping up—I admit that I found the idea attractive. Pilot schemes on hand-held records have been undertaken in Scotland. What are the plans to evaluate the pilot schemes and roll out the system across Scotland? Such a system would help Gypsy/Travellers to access services.

Malcolm Chisholm: The suggestion about hand-held records is important. As people move around, one problem is continuity of care. Hand-held records would address that problem considerably. I am aware of the pilot schemes in Dumfries and Galloway and Forth Valley, and the issue has also been picked up in the access report that I mentioned in my introduction. The people who are working on the ethnic minority guidance are also interested in the issue. As a result, although announcements have not yet been made, I can confidently predict that it is an important area on which urgent progress should be made.

11:00

Kay Ullrich: I will turn to community care, which is my particular baby. Evidence suggests that if community care for many Gypsy/Travellers is not being denied, it is certainly not accessible. There is the feeling that the Gypsy/Traveller community takes care of its own. No doubt the sense of family and of a support network are admirable, but facts are chieftains that winna ding and, as in other communities, there are disabled people or frail old people who should be receiving services, particularly home-based services. It is felt that such services are not being accessed. Do you have any evidence about that, or any suggestions about how we can ensure that members of the Gypsy/Traveller community have access to all community care services like any other person has?

Malcolm Chisholm: I do not have such evidence, but I would certainly be interested to hear from people who do. There is no formal bar in that respect. Some time ago, guidance was issued that makes it clear that

"when an individual does not appear to have any settled residence, it is the responsibility of the authority where the person is living at that time to arrange any care required to meet his needs".

That is clearly the formal position. Although we know that there are difficulties, that is obviously an issue that health boards in conjunction with local authorities will have to address as part of the strategy that we will introduce soon.

Kay Ullrich: Is there a need for health boards and local authorities to be more proactive as far as community care provision for Gypsy/Travellers is concerned? We should ensure that people know that the services are available and that they will be adapted to their needs, particularly in relation to housing.

Malcolm Chisholm: Providing information to Travellers is clearly an important issue in itself, because people cannot access services if they do not know about them. Many of the initiatives, such as the provision of information, health visitors and outreach services—some of which have been covered in the committee's inquiry—are important prerequisites for the improvements that both of us fully support.

Kay Ullrich: During my visits to sites, particularly the site at Lochgilphead, I found that in the toilet and kitchen blocks that are provided for each caravan, the toilet is entered through the kitchen. The buildings are single brick and cold; they must be murder in the winter. No other part of the community would accept such facilities as suitable for kitchens and toilets or bathrooms, particularly in winter. There are not many houses in Scotland where you have to go through the

kitchen to get to the bathroom. The lack of heating and the other obvious problem must have health implications.

Malcolm Chisholm: I am sure that they do, but as that is Jackie Baillie's responsibility, I will let her deal with that point.

Jackie Baillie: So you are back to me, Kay.

Kay Ullrich: I thought that I would bring you back in. You were feeling left out.

Jackie Baillie: Yes, I was.

You are describing what are called amenity units, which are governed by a set of standards. They are supposed to be 13 sq m, and were never intended to be used as cooking facilities. They are intended to provide facilities such as a shower, a bathroom, a toilet and a laundry sink. The unit has an electrical connection and a lockable store, but should not be used as a space in which to cook.

Kay Ullrich: They wash dishes in it.

Jackie Baillie: If that is happening, it is not appropriate. It is the kind of thing that would be picked up by the new executive agency as it monitors the management and standards of sites throughout Scotland.

The Convener: People live in those vans. They do not want to do a lot of cooking in them, because they have to live and sleep there. The fact that people are cooking in the chalets shows the lack of consultation about the Gypsy/Traveller lifestyle when most of those sites were put together. People have to have a bath in a single-brick chalet with no heating in it; I suspect that none of us would especially like to do that.

Jackie Baillie: Not in the winter, certainly.

You point out, rightly, that although the amenity units were designed for a particular purpose, it was forgotten that other functions needed to be considered. That can be addressed as we improve site management around Scotland. It was never intended that the units should be used for both functions. We would not encourage that; we recognise that alternative provision is perhaps the way forward.

Cathy Peattie: Has any consideration been given to providing guidance to health boards and local authorities on how to engage with the community? It is always difficult to consider what sort of services people need and easy to decide that people do not need certain services because of their culture or traditions. Unless we know what people need, it is difficult to provide the service. The issue goes back to what Jackie Baillie was saying earlier about community planning. In order to design services, health boards and planners of services need to have some way of working with communities and listening to what they need.

Often, people do not access the service that exists, because it is not appropriate.

Malcolm Chisholm: I have referred to the guidance that will soon be given to health boards and, in a sense, Cathy Peattie is building on that. There is a connection with the other piece of work in which we are engaged at the moment, which is greater involvement of patients and the public in the health service. Some of you may remember the chapter of the health plan that was called "Involving people". That will result, in the next few weeks, in a fairly major piece of work that will cover those areas by ensuring that people have been fully consulted and involved in the planning of services. What Cathy Peattie is describing is part of that. We will try to take on board the needs of specific groups of people as we develop that work.

The Convener: We move on to education. I ask members to address their questions to the ministers, but it is up to the ministers whether they wish to hand over to Michael Ewart to answer them.

Mr McGrigor: The committee has heard of difficulties in obtaining accurate information about access to education and the educational attainment of Gypsy/Traveller children. What data analyses have been used by the Scottish Executive to inform its policies on education services for Gypsy/Travellers?

Jackie Baillie: You will not be surprised that we will hand over that question to Mike Ewart.

Michael Ewart (Scottish Executive Education Department): Information generally on ethnicity and community status throughout the school population is poor. We are reviewing the information that becomes available from the questions that are asked in the annual school census with a view to seeking to improve the information base. I tried to find out before the committee's inquiry how many Traveller children there were in Scottish schools. The information that was held by the Scottish Traveller education programme—the committee took evidence from Dr Jordan earlier in its inquiry—was uncertain even on that. There are about 500 Traveller children in school education at present, but I am afraid that the information is insecure.

Mr McGrigor: We have heard evidence that Gypsy/Travellers suffer from bullying in schools. Does the Scottish Executive have specific policies on that issue? How are those policies implemented?

Michael Ewart: The Executive has firm policies and is strongly opposed to any instance of bullying in schools. The policy is effected through two initiatives. One is the anti-bullying network, which is funded by the Executive and provides advice

and guidance to schools and parents. The network also runs a website and online community for schools and parents. The second initiative is our support for Childline and its anti-bullying activity.

Elaine Smith: When we were taking evidence, we heard that attendance figures at school reduce substantially at the transition between primary school and secondary school. I want to ask Jackie Baillie how the Executive could convince Gypsy/Traveller parents and their children of the value of a school-based education, especially at that stage?

Jackie Baillie: May I suggest that all education questions should be addressed to Mike Ewart rather than to me? He is here in place of Jack McConnell, the Minister for Education, Europe and External Affairs, who is otherwise detained.

The Convener: I do not make up the protocol; I just abide by it. I will add a little to Elaine Smith's question. We took evidence from young people, which you have probably read. They were in their late teens or early twenties and every one of them said that they would not send their children to school. I thought that that was very worrying.

Elaine Smith: What do you feel about the relevance of the curriculum for Gypsy/Travellers? Is there flexibility in the curriculum to make it more relevant for them?

Michael Ewart: I agree with the convener that it is disturbing if any group of people say openly that they do not want to send their children to school. There are a variety of reasons for that, including bullying and similar difficulties. Another issue is the perceived relevance of the curriculum. That goes to the heart of some of the difficulties that the committee's investigation has revealed. I was especially struck by a remark that Dr Jordan made. She said that the system itself, as experienced by Travellers, was "exclusionary".

We need to consider the school system as a whole. It would be fair to say that, at present, the system at strategic level is in transition. Historically, the statutory base for school education has been one of duty—a duty on education authorities to secure the provision of education and a duty on parents to send their children to school. Under the Standards in Scotland's Schools etc Act 2000, the system is moving towards one of rights and responsibilities. Children now have a right to a public school education, and there is a responsibility on education authorities to provide an education that meets the needs of every individual child.

In practice, giving effect to the new system will take considerable time. It represents a substantial change in our national thinking and raises many difficult questions about entitlement. If we provide specific educational opportunities for individual

groups and for individual ability ranges, the question arises of what we mean by national entitlement to a common, comprehensive education system. Some difficult challenges are inherent in the provision of flexibility for particular groups. Nevertheless, it is certainly the Executive's policy that flexibility should be provided where possible. We propose to issue guidance on flexibility within the curriculum to meet a range of needs. However, these are early stages in a fairly substantial shift in thinking about the nature of educational provision. I do not want to minimise the difficult questions that that raises.

Elaine Smith: In one of your answers to Jamie McGrigor, you spoke about the numbers of Gypsy/Traveller children in school. What about the numbers in pre-school? An important policy is the one to provide all three and four-year-olds with a nursery education, if their parents want that. That is part of early intervention and lifelong learning. In my opinion, that gives a good grounding for going on to the rest of the school education system. Do you have any idea whether Gypsy/Traveller children are taking up that opportunity?

Michael Ewart: I do not have specific information. It is difficult to get data about ethnic communities, especially the travelling communities. That makes it extremely difficult to monitor that kind of provision.

11:15

Kay Ullrich: The evidence that we have taken shows that bullying and the curriculum's lack of relevance play a huge part in Gypsy/Traveller children feeling alienated from school.

There is also evidence that the geographic locations of many of the sites—they are often quite remote—is a factor. For example, we have heard evidence that school buses may stop at the road-end. That might mean that children need to walk half a mile to a mile down a very lonely country road. That can be worrying if younger children are coming back up such roads in the dark. I understand that a school bus might be hard pushed to rumble its way up to sites such as the one that Jamie McGrigor mentioned, because the state of the roads is so bad.

Has any thought been given to using volunteer drivers to pick up children and take them to school? I know that that is done in some areas. Volunteer drivers are certainly used by my council. My husband was a volunteer driver and I know for a fact that he took children from the travelling people site in Irvine. That scheme has been fairly successful, because the driver who sees the children regularly builds up a bond with them. Schemes like that do not cost a lot of money and should be rolled out across Scotland.

Michael Ewart: As the committee will already have heard, the provision of school transport is a local authority responsibility, although we set the overall parameters in which that is delivered. As both ministers have said, the committee's work is useful because it provides an important channel of communication for ideas and good practice. If Kay Ullrich's helpful suggestion does not figure in the committee's report, I will take it away and give it to the directors of education at our next liaison meeting.

Cathy Peattie: To what extent has the good practice that has been adopted elsewhere in the UK, developments such as distance learning, home education and the use of computers, been explored?

Michael Ewart: At the moment, an experiment is being undertaken—it is described as such by the people who are undertaking it—in using distance learning and computer-based learning for pupils who, because of illness or for other reasons, are unable to attend school. The project is called notschool.net and is run by Ultralab of Anglia Polytechnic University. We are participating in that project with a number of pupils from Glasgow. I should not call them pupils—under the terms of the project, they are known as researchers.

The project has been under way for some time and is due for another formal review fairly soon. It is producing some interesting information on how distance learning methods can be applied to pupils who, for various reasons, do not attend school. The project has some exciting information from across the UK and we are certainly part of it.

Cathy Peattie: Do people think that home education is the way forward? We have taken evidence from young people who have only had two years' education. It strikes me that we need to look at some alternative. What kind of support might be available for home education? What consideration has been given to extending that?

Michael Ewart: At present, the legal position is that home education is available to parents as an option. It is then up to education authorities to assess the provision that is being made for the individual pupil. If they are satisfied, they would allow that provision to continue, but if they were not satisfied that it was meeting the appropriate standard, they would serve an attendance order. Home education fits fairly firmly in that part of the duties-and-obligations model that I described earlier. There is no legal provision for direct support for home education. The local authorities have power to make support available if they choose, but they have no obligation to do so.

Cathy Peattie: Is there any evidence to suggest that local authorities are looking seriously at home

education? I hope that the convener will forgive me for wearing my education hat for a minute, but I have met people who are involved in Schoolhouse, who are promoting home education. They told me that home education is something that local authorities accept readily for middle-class families, but that other families are considered not to be capable of home education. Is that the attitude of local authorities to Gypsy/Traveller families?

Michael Ewart: It is difficult to assess the attitudes that lie behind the decisions that are made. However, the evidence suggests that it is certainly easier for middle-class parents to make that kind of provision than it is for other groups.

Cathy Peattie: If it is kids who are not from middle-class families who are not getting to school, might there be some other way of promoting or supporting home education, particularly for Gypsy/Travellers? People need access to resources and support; it is not something that happens by magic. Has any consideration been given to how that could be extended? There is clearly a need, as the children are not getting to school.

Michael Ewart: I appreciate the point that you make. As the deputy minister said, I am describing what is rather than what should be.

Cathy Peattie: I understand that.

Michael Ewart: I know of cases in which access to resource centres has been made available by local authorities. It would be desirable if that were to be encouraged.

Cathy Peattie: I come back to home education again, because I think that home education and distance learning with information going into the home, regardless of whether it is a caravan or a mansion, is important for families. Do you think that distance learning might be a viable way of getting health promotion information to families, rather than expecting people to get out and about and gather that information? Does distance learning offer opportunities for health promotion?

Malcolm Chisholm: That is something that we need to take on board, for general health information and specifically for health promotion. As I indicated, we have to be a bit more imaginative and culturally sensitive about how we do that. I accept that not much work has been done in that regard to date. Your suggestion is correct, and we should take it on board.

Mr McMahon: We talked about getting the children from Gypsy/Traveller communities into schools. However, we heard evidence from young people about exclusion within schools. They have experienced being put to the back of the class, being separated from others in the classroom and

taught in different ways. Regardless of the curriculum, they were not treated the same as the other pupils. Had that been done to a group of black or minority ethnic children, there would have been an outcry.

What duties will there be on teachers as part of the continuing professional development requirement of the McCrone pay deal with respect to equality training on best practice in teaching Gypsy/Traveller children? Have any discussions taken place with the General Teaching Council for Scotland to insert modules on teaching Gypsy/Traveller children into the introduction-to-teaching training?

Michael Ewart: At present, the guidelines for initial teacher education courses, which define the basic standard that teachers must reach, are expressed as follows. Teachers must

"value and promote equality of opportunity and fairness and adopt non-discriminatory practices, in respect of age, disability, gender, race or religion".

From the autumn of this year, that requirement is going to be replaced by something more positive, which says that new teachers should

"Demonstrate an understanding of the principles of equality and social justice and of the need for anti-discriminatory practices."

If the practices that you described were positively discriminatory, they could clearly not meet the standard that I have just outlined.

Mr McMahon: How will practice be monitored? If the only evidence that we have is from the children who exclude themselves from school because they are experiencing that type of practice, how will the education system deal with those teachers who continue to teach children in that way, allowing them to leave school under the cloud created by their teaching practices?

Michael Ewart: There are two main forms of quality assurance, one at local authority level and one through national inspection.

Mr McMahon: Will that be specifically reported on by the inspectors? Will the inspection system then look at the issue of Gypsy/Traveller children and how teaching practices relate to them? If Gypsy/Travellers are not yet identified in law as an ethnic minority, will Her Majesty's inspectors consider that area in schools, or will it be forgotten because it is not specifically mentioned in performance indicators or standards against which the practice of teachers can be judged?

Michael Ewart: The inspectorate is currently reviewing its performance indicators for school inspections, with a view to improving the coverage of equality and fairness issues. It would certainly be helpful for the committee to make a recommendation in that respect in relation to

Gypsy/Traveller pupils.

Mr McMahon: I think that we might take you up on that.

Michael Ewart: I suspected that you would.

Kay Ullrich: Perhaps the most illuminating evidence session that we had was with the young people. They were so bright and articulate and they put their case so well that it left us all asking how we can effectively have deprived this generation of Gypsy/Traveller children of the right to an education. We must ensure that that does not continue from generation to generation. I commend their evidence to the ministers as a worthwhile read.

Jackie Baillie: I can assure Kay Ullrich that I have already read it.

Kay Ullrich: I hope that you were as impressed as I was.

Jackie Baillie: I was indeed.

The Convener: I thank the ministers and Michael Ewart for coming along. I am aware that other things are happening this week, so we appreciate the fact that you have given up so much of your time this morning. We hope to publish our report before the recess. I welcome the fact that there seems to be a deal of sympathy for the evidence that we have taken and the points that we are putting forward.

Kay Ullrich: The ministers can go off now and start climbing lampposts and putting up election posters.

The Convener: We move into private session.

11:28

Meeting adjourned until 11:41 and continued in private until 12:53.

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