

EQUAL OPPORTUNITIES COMMITTEE

Tuesday 12 April 2005

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2005.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

CONTENTS

Tuesday 12 April 2005

Col.

ITEM IN PRIVATE.....	857
INTERESTS	857
GYPSY TRAVELLERS	858
PETITION.....	893
Gypsy Traveller Sites (PE760)	893
SUBORDINATE LEGISLATION.....	898
Gender Recognition (Disclosure of Information) (Scotland) Order 2005 (SSI 2005/125)	898

EQUAL OPPORTUNITIES COMMITTEE

6th Meeting 2005, Session 2

CONVENER

*Cathy Peattie (Falkirk East) (Lab)

DEPUTY CONVENER

*Nora Radcliffe (Gordon) (LD)

COMMITTEE MEMBERS

*Shiona Baird (North East Scotland) (Green)
*Frances Curran (West of Scotland) (SSP)
*Phil Gallie (South of Scotland) (Con)
*Marlyn Glen (North East Scotland) (Lab)
*Marilyn Livingstone (Kirkcaldy) (Lab)
*Elaine Smith (Coatbridge and Chryston) (Lab)
*Ms Sandra White (Glasgow) (SNP)

COMMITTEE SUBSTITUTES

Jackie Baillie (Dumbarton) (Lab)
Linda Fabiani (Central Scotland) (SNP)
Patrick Harvie (Glasgow) (Green)
Carolyn Leckie (Central Scotland) (SSP)
Mr Jamie McGrigor (Highlands and Islands) (Con)

*attended

THE FOLLOWING GAVE EVIDENCE:

Ali Jarvis (Commission for Racial Equality)
Rosemarie McIlwhan (Scottish Human Rights Centre)
Chris Oswald (Commission for Racial Equality)
Yvonne Summers (Communities Scotland)

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Zoé Tough

ASSISTANT CLERK

Roy McMahon

LOCATION

Committee Room 4

Scottish Parliament

Equal Opportunities Committee

Tuesday 12 April 2005

[THE CONVENER *opened the meeting at 10:35*]

Item in Private

The Convener (Cathy Peattie): Good morning. I open to the public the sixth meeting of the Equal Opportunities Committee in 2005. I remind everyone present that mobile phones should be turned off. No apologies have been received.

Item 6 is consideration of a paper on our approach, which the committee has not yet agreed, to stage 2 of the Prohibition of Female Genital Mutilation (Scotland) Bill. Do members agree to take item 6 in private?

Members *indicated agreement.*

Interests

10:35

The Convener: I welcome to the committee Phil Gallie and ask him whether he has any relevant interests to declare.

Phil Gallie (South of Scotland) (Con): I have no interests to declare that I am aware of.

The Convener: Welcome, Phil. I hope that you enjoy your time on the committee.

Gypsy Travellers

10:36

The Convener: Item 3 is the committee's review of progress on improving the lives of Gypsy Travellers. Today's evidence session is the first of four. I welcome Yvonne Summers and Tony Cain from Communities Scotland. We would obviously like to ask you some questions, but you are welcome to make a few introductory remarks.

Yvonne Summers (Communities Scotland): I will start by saying a little about Communities Scotland and its role in relation to Gypsy Travellers. As some members will be aware, Communities Scotland is the Scottish Executive's housing and regeneration agency—we are part of the Development Department. The Minister for Communities has devolved to us the power to regulate all the activities of housing associations that are registered with us and those of the housing, accommodation and related services of local authorities.

The regulator operates at arm's length from the minister. My colleague Tony Cain and I work for the regulation and inspection division of Communities Scotland, which is the part that carries out regulatory and inspection activities. I was involved in managing the thematic study of Gypsy Travellers that was carried out in 2002, of which some members may be aware. Since then, I have managed two cyclical inspections of local authorities, which included inspection of Gypsy Traveller services in Stirling and East Lothian. My colleague Tony Cain was involved in managing the inspection of Angus Council, which covered its Gypsy Traveller services.

The Convener: Thank you. You have answered my first question at least. Will you outline the inspection regime for Gypsy Traveller sites? For example, how often are sites inspected and how are sites selected for inspection?

Yvonne Summers: We have just finished a programme of pathfinder inspections, which was the first set of inspections under the existing performance standards. As part of those cyclical inspections, we inspected services for Gypsy Travellers. That programme covered five councils, of which four had sites for Gypsy Travellers. A number of selection criteria were used, including a council's geographical location, its size and type and its performance against Audit Scotland's key performance indicators.

Subsequent to the pathfinder year, we carried out an evaluation of the pathfinders. Our independent consultants advised us that we needed to take a more focused approach to cyclical inspections. As a result of that, we have

decided that during cyclical inspections we will no longer cover the inspection of sites for Gypsy Travellers. We have removed a number of other areas from cyclical inspections. The decision was taken that it would be more appropriate to inspect those areas in more depth as part of on-going thematic inspection studies. This year, we will follow up on the thematic inspection that we carried out in 2002, which will enable us to identify what progress has been made on the recommendations that we made at that time.

The Convener: How many sites have been inspected?

Yvonne Summers: If we include both the thematic inspections and the cyclical council inspections, we have inspected 11 councils, including about 19 sites.

Ms Sandra White (Glasgow) (SNP): I thought that you had inspected eight councils, but you said that you have inspected 11. I have a couple of questions. You said that you are going to follow up the thematic study that was carried out in 2002, and we are now in 2005. Now that sites have been removed from cyclical inspections, will three-year inspection cycles be the norm for thematic inspections? Do you think that it would be a good idea to have a comprehensive study of all councils, rather than just 11?

Yvonne Summers: I confirm that we covered eight councils during the thematic inspection. We have now covered three additional councils, as East Lothian Council was included in both the thematic and cyclical inspections. We have not decided specifically that there will be a continuing three-year inspection cycle. We will carry out a number of thematic studies every year and will decide annually which area needs to be covered. That decision will be influenced by a number of issues, including those that I have highlighted, and perhaps by the Parliament's political priorities.

We considered conducting a comprehensive review of sites but felt that that would be a major project that would take up a lot of resources and would mean that in any one year we would have difficulty completing other agreed inspections and hitting the targets that we have agreed with ministers. The other consideration was that we found that a number of similar themes arose from the inspections, and we feel that the added value of inspecting every site at the same time would be relatively limited. We expect that the same issues will arise throughout most councils as we inspect the sites.

Ms White: Do you not think that, despite what you have said, it would be a good idea to have a comprehensive study because that would give you a base to work on? You say that some councils have the same problems, but if you have not

conducted a comprehensive study of all councils you cannot know what problems they face. The youngsters to whom we spoke earlier today said that there are good sites and bad sites in many areas. That alone suggests that you should conduct a comprehensive study of each council.

I want to ask you about activity standard 6. I do not know whether you can answer this question, but our papers say that it is up to each local authority to take the money from their budget to provide the services. Would that be difficult for local authorities? Would it be better if money were set aside specifically for services under standard 6? Could not authorities report to you, rather than your having to go round bodily to inspect sites?

Yvonne Summers: On your first point about the baseline idea, it would be useful to have basic information about what is happening in each council, which would help us to select who should be involved in future thematic studies or cyclical inspections. However, that information could be gained in a number of ways. As part of our thematic study this year we will contact every local authority that provides sites for Gypsy Travellers, in addition to following up specific recommendations that were made about individual case studies. We will ask those authorities what action they have taken on the basis of the recommendations that we made in the report on the thematic study. We will get feedback from all councils about the specific areas that we highlighted in the thematic study. From that initial collection of information we will select which organisations we wish to follow that up with. Therefore, to an extent, we will have baseline information. The information that we gather will be targeted, with reference to what came out of the original thematic study.

10:45

Ms White: Do councils understand standard 6 sufficiently to enable them to provide the services?

Yvonne Summers: The information that we have so far suggests that they understand what is expected of them. A number of councils—some of which were involved in the thematic study and some of which were not—that have seen the report have asked for more information. We provide quite a lot of additional information on our website to back up what is available in the published performance standards. In addition to standard 6, we have a section on the website that gives back-up information about the specific questions—they are called self-assessment questions—that landlords can use to see how they perform against our expectations as a regulator. There must be around 30 or 40 areas that are covered by questions on the website.

Ms White: So councils are coming back and asking questions if they do not quite understand what is expected of them.

Yvonne Summers: Yes.

Nora Radcliffe (Gordon) (LD): I was slightly surprised to hear that there are councils that do not have sites. How many councils provide no site?

Yvonne Summers: I do not have specific figures on that. It is a small number, however—perhaps only three or four. It tends to be the island councils that do not do so.

Elaine Smith (Coatbridge and Chryston) (Lab): I would like to ask about the document “Performance Standards for Social Landlords and Homelessness Functions”. The foreword talks about reviewing and revising the standards after three years. What has been the outcome of that?

Yvonne Summers: The performance standards came into effect on 1 April 2002, although the document was published slightly before that. We have, therefore, only just hit the three-year review timetable. Work has just begun on scoping the nature of the review process. A paper was taken to our regulation advisory group in March this year to begin the discussion about the form that the review will take. We are about to start meetings with the other co-signatories to the performance standards, the Convention of Scottish Local Authorities and the Scottish Federation of Housing Associations, to discuss how we will take forward the review. The feedback that we have had so far—we ask for feedback from all regulated organisations as they are inspected—suggests that there is a continuing high level of support for the standards as they currently exist. Our expectation, therefore, is that the outcome of the review will not result in fundamental changes to the performance standards.

Elaine Smith: So you do not think that much revision is needed of what you have at the moment.

Yvonne Summers: That will depend on the outcome of the completed review. However, the initial indications are that inspected organisations understand the performance standards, are relatively happy with them and do not feel that major change is needed at the moment.

Elaine Smith: When do you expect the review to be finished?

Yvonne Summers: I think that it will take a number of months to complete. We do not yet have a defined timescale and it will be up to the various stakeholders that are involved in regulation processes to make that decision. I would certainly expect it to have been completed by the end of the year.

Elaine Smith: You are suggesting that it could go on and on but that you would not want that to happen. Do you think that completion by the end of the year is a reasonable timescale?

Yvonne Summers: We want a timescale that allows full input from the variety of stakeholders that are involved in our regulation process. However, we certainly do not want the process to go on indefinitely.

Elaine Smith: You said that most of the local authorities seemed to understand the standards and were reasonably happy with them.

Yvonne Summers: That is the impression that we have gained from the ones that we have spoken to during the inspection process.

Elaine Smith: The performance standards document talks about the need to encourage change rather than change having to be enforced. Do you think that there is a co-operation culture among local authorities, which encourages any authority that might have difficulties to talk about those difficulties? Have any difficulties been identified? If so, what are they?

Yvonne Summers: Do you mean co-operation between local authorities or between the regulator and the authorities?

Elaine Smith: The foreword to the performance standards document talks about a culture of co-operation rather than of conflict. Would that help you to understand the perspective of any local authorities that might have difficulty in delivering against those standards? You said that you think that most authorities understand them. Since you do not expect any great revision to come out of the review, I presume that the authorities are attempting to deliver.

Yvonne Summers: Absolutely. That is certainly what we have found in the inspections that we have carried out to date. The authorities with which we have worked so far have been extremely co-operative and have worked closely with us during the inspection process. As I have said, at the end of every inspection we ask for feedback from the organisation that we have inspected and we take on board the suggestions that it gives us. So far, the feedback has been largely positive. Several local authorities have told us that they have found the process and the outcomes useful in their own process of continuous improvement. Some have referred to the inspection process as free consultancy.

Elaine Smith: If any authorities were failing to meet the standards, what could you do about that?

Yvonne Summers: We would go through quite a lengthy process of working with the organisations to identify how they intended to improve. The first stage would be to work with

them on their improvement plans. Organisations that fail to meet the standards are required to produce an improvement plan, which must be agreed with the regulation and inspection division.

Elaine Smith: You say that such organisations are required to produce an improvement plan. It is not a case of their being encouraged; they must produce an improvement plan—is that correct?

Yvonne Summers: We ask an organisation to produce an improvement plan if it is found to be failing to meet a service standard. The improvement plan is not a statutory requirement; however, the organisations that we have asked to produce improvement plans have been happy to do so in line with our expectations.

Elaine Smith: However, if they did not, you would not have any powers to do anything about it.

Yvonne Summers: If they did not produce an improvement plan, a range of statutory powers that we have could come into play. First, we would ask the authority to produce a statutory remedial plan, which would have to be submitted. We would then assess progress against that remedial plan over a period of time, and if we felt that the progress was not sufficient, we would use an additional statutory power to appoint a special manager to work in the local authority to drive through the improvements that we identified in the inspection process. Those are the major statutory powers that we could use to follow up an inspection.

Elaine Smith: So, if encouragement is not working, you can take statutory action.

Yvonne Summers: We can, but, on the basis of our experience so far, we consider it highly unlikely that we would ever need to do that.

The Convener: Before we move on, I would be interested to know whether there has been any participation of Gypsy Travellers in planning, policy development and all of that. You will be aware that that was a key recommendation and something that the previous committee felt was important when it produced its report. However, I do not see a lot of evidence of Gypsy Travellers participating in deciding how sites should be run and what kind of policies councils should make, and I wonder about their input into the performance standards. It is all very well to have good standards in a filing cabinet, but how do you marry things up if the people at the receiving end think that the standards are rubbish? What is being done to encourage Gypsy Traveller participation in development and planning?

Yvonne Summers: The work that was done in advance of the thematic study involved participation by a range of Gypsy Travellers,

especially through representative groups such as the Scottish Gypsy Traveller Association and the Gypsy/Traveller Community Development Project in Glasgow. Work was also done in conjunction with organisations such as Save the Children.

All of that happened prior to the thematic study, which was used to inform the development of both the performance standard and the self-assessment questions that support the standard. Therefore, we had quite a degree of input from Gypsy Traveller communities in developing the issues that are considered in inspections. We were told that we were inspecting the kinds of issues that Gypsy Travellers felt were important.

The Convener: I would expect that kind of good practice to happen, but I want to know whether Gypsy Travellers have been able to participate in inspections and local authority planning and whether they have been able to be involved in local authorities' discussions with Communities Scotland. The next stage of monitoring is to ask the stakeholders that were initially consulted whether the things that they wanted to happen actually happened. I want to know about that.

Yvonne Summers: In our inspections, it is standard practice to speak to the users of the service that we are inspecting. That happens as a matter of course in our inspections of services to Gypsy Travellers. We go out to sites and spend time asking the people who are on the site at the time how they view the services that are delivered to them. We also ask them how the council involves them in developing the services and policies that affect them.

Shiona Baird (North East Scotland) (Green): My question follows on from the convener's question. Have we made progress in the past three years? As Cathy Peattie said, it is all very well having written guidelines, but what progress has been made in reality? Are there any key areas in which no progress at all has been made?

Yvonne Summers: It is probably worth pointing out that we have had inspections for only a relatively short time. From that point of view, we think that this is a good time to go back and gather follow-up information. We certainly expect to see progress.

In the areas that the thematic study identified as weaknesses, we have seen progress through the cyclical inspections that we subsequently carried out. For example, the thematic study highlighted local authorities' lack of information on the needs, aspirations and preferences of the Gypsy Traveller communities in their area. Subsequently, several local authorities set up research projects to work with Gypsy Travellers in their area to identify what the needs and demands were so that those could be fed into the planning process. Two separate

research projects, which covered at least six local authorities, were started as a result of that.

One of our subsequent cyclical inspections involved a local authority that was involved in one of those research projects. The finding of our inspection was that the authority had very good information about the needs and aspirations of the Gypsy Traveller community in its area. From that point of view, we were able to see clear progress. Having such information is a good starting point for feeding those needs and aspirations into the planning process that all local authorities are carrying out in developing local housing strategies. We saw good progress in that local authority area, but we expect to see similar evidence of progress when we carry out our follow-up to the thematic study.

In our cyclical inspections, we have also seen ad hoc improvements such as investments in services and upgrades to sites. However, there is less evidence that such things are happening on a planned basis.

Shiona Baird: Were there any key areas in which no progress was made?

Yvonne Summers: It is difficult to say that there are areas in which no progress is being made. In the case of the authority to which I referred, we saw evidence that all four of our recommendations on services to Gypsy Travellers had been followed up. Generally, we have found that areas that are flagged up in improvement plans are being followed up relatively rapidly. In the follow-up to the thematic study, we expect to see that organisations are picking up on those areas. No issues on which councils are not taking action stand out for us at the moment. The question for us will be the impact on the services that are being delivered, and we hope to identify that impact when we go out to do the follow-up work.

11:00

Shiona Baird: You mentioned that key themes have emerged from your study. Will you give us an idea of what they are?

Yvonne Summers: One of them was that councils did not have particularly good information about the needs and demands of the communities with which they were working, and another was that there was no planned approach to investment in sites. We also found that, although the communities were involved in the development of services in most of the authorities that we saw, that involvement tended to happen in a relatively restricted way, through large, multi-agency standing groups rather than through a more informal approach towards getting continual feedback about service delivery from those who

were on the sites, which people might find slightly less intimidating.

Two other areas that we identified as weaknesses across a number of different local authority areas were the lack of relationship between the budgeting process and setting site rents and between budgeting and planned maintenance for sites. There tended not to be a long-term planned approach towards investing money to upgrade the quality of the services or the sites themselves.

Shiona Baird: Reading through all the papers, I came across no figures for the number of Travellers, and there was not even a basic figure for the number of sites or information on how they are spread throughout Scotland. Is that information available? Is it just that I have not accessed it?

Yvonne Summers: We did not include that information in our report because it is produced separately by our colleagues in the Scottish Executive. There is a twice-yearly count of the pitches that are available and how many of them are occupied. The count takes place during the summer and during the winter, so the information is available in regular reports from the Scottish Executive.

Shiona Baird: Thank you.

The Convener: We will get that information for you, Shiona.

Phil Gallie: The question of numbers has been raised. Yvonne Summers talked about consultation, but to what extent did that consultation involve the wider Gypsy Traveller community? Are we talking about Gypsy Travellers who are based in Scotland or about people who come from throughout the United Kingdom? Are we finding that, because of the recent expansion of the European Union, Gypsy Travellers are coming from other parts of Europe, and, if so, what account are you taking of their needs?

Yvonne Summers: Our expectation of local authorities is that they will consult the communities that make the most regular use of their sites. That would mean more than speaking only to those who are resident on a site at any particular point in time, because most local authorities are aware that there is a fairly regular movement of people through their sites at various times during the year and have a fairly good understanding of where people are coming from and going to. We have suggested that councils work with the neighbouring councils from which they know people are coming and to which they know they are going to ensure that they pick up an accurate impression of the views of the range of different

people who will use their sites at different points in the year.

On broader consultation, there is an expectation that organisations that provide sites are aware of issues that come up in other communities, but the priority is given to those who regularly use the site with which the consultation is concerned because those services need to match the needs and demands of the people who use them, which might not be the same for the Gypsy Traveller community as a whole, even in Scotland.

Phil Gallie: I have another question on services, but I will wait until the end.

Marlyn Glen (North East Scotland) (Lab): I am getting different messages. Some of what you say is positive and encouraging, but some of it is worrying. For example, there does not seem to be any planning. You have suggested that neighbouring councils work together, but does that happen? I want to ask a comparative question. To what extent do the results for Gypsy Traveller sites reflect the overall inspection results for a local authority? Can a local authority have a good inspection result except in relation to services for Gypsy Travellers?

Yvonne Summers: You are right to identify that there are some positives and some negatives. That reflects exactly what we have found in the work that we have done so far. Some areas are encouraging, but in others there are significant gaps. Broadly speaking, the delivery of services on a day-to-day basis is found to be fair or good on most sites that we have seen. The long-term planning issues and the involvement of Gypsy Travellers in those tend to be the weaker areas.

We have seen some encouraging indications that organisations are working together. As I mentioned earlier, both of the two major research projects of which we are aware involved a number of different local authorities in an area working together to identify the needs of communities. As I suggested to Mr Gallie, they got a picture of what was happening across a broader area, rather than simply working within their boundaries. That is very positive.

Considerable attention has also been given to the issue that we are discussing as part of the broader equalities issues that are considered by the Scottish housing best value network's equalities sub-committee, which was set up quite recently. That is a good arena in which organisations can work together and compare notes on the kinds of things that they are doing to improve services for Gypsy Travellers. We have been encouraged by that.

Your second question was about whether councils tend to be consistent in the quality of services that they provide. The answer to that

question differs, depending on whether councils are generally good or generally poorer. In local authorities that are poorer performers, there may be more variety across the different areas of service that are provided. Broadly speaking, councils that are good at providing services are good at providing all services, because they have the kinds of support systems in place that enable them to respond to the needs of their communities. Authorities that are doing well at providing services for settled communities are also good at providing services for Gypsy Travellers, because they understand the importance of talking to service users, listening to what service users say and amending their practices.

Marlyn Glen: In its response to recommendation 5 of the committee's report, the Executive pointed out that local authorities are expected to assess the accommodation needs of Gypsy Travellers in their local housing strategies and that those were due to be submitted to Communities Scotland for assessment by the end of April 2004. Did that happen? What was Communities Scotland's assessment of the strategies?

Yvonne Summers: The local housing strategies are submitted to a different part of Communities Scotland. They are not dealt with directly by regulation and inspection, so I have limited information about them. My colleagues have told me that, by the deadline of the end of April last year, a total of 30 local housing strategies were submitted. Two authorities that negotiated a slightly longer timetable for completion of the work have now completed it.

Communities Scotland staff carried out an assessment of all the strategies, against a set of 107 detailed criteria, some of which related to the assessment of and response to the needs of Gypsy Travellers. Feedback has been given to all authorities, including feedback on their assessment of Gypsy Traveller needs. The overwhelming majority of cases suggested that more work needed to be done on the assessment of the needs of Gypsy Travellers, which backs up our findings in both the thematic and the cyclical inspections. It has been recommended that the authorities should do further work on the issue. There will continue to be a co-operative working relationship between the staff who assess the local housing strategies and the councils, as they work on improving their strategies and resubmitting them.

Marlyn Glen: I appreciate the importance of co-operation, but it is worrying if a lack of urgency goes along with it.

Nora Radcliffe: Are you aware of any particular challenges that local authorities face in providing effective services for Gypsy Travellers?

Yvonne Summers: Consultation with service users is a challenge that all local authorities face—most of them certainly accept that they need to continue to work on that. Consultation with Gypsy Traveller communities can be particularly challenging, for several reasons, including the fact that they are a small community that is, by definition, nomadic. There may also be a tradition of suspicion between the authority and the Gypsy Traveller community, which can mean that some of the more accepted or traditional methods of consultation are more difficult to operate. That challenge needs to be faced. We have seen evidence that local authorities are responding to it by using established groups to involve Gypsy Travellers in the process.

Another challenge arises from the need to find investment funding for services for what is a relatively small minority in any area, given that local authorities have competing priorities from social work and education in using the general fund. Those are the two main issues.

Nora Radcliffe: In a sense, the problems are generic ones that arise in dealing with small groups.

Yvonne Summers: Indeed.

Nora Radcliffe: You mentioned that some authorities do not have formal sites, but I presume that, even so, they provide informal services. Does that provision fall into anybody's remit to regulate?

Yvonne Summers: It does not fall within Communities Scotland's inspection activities. Obviously, Audit Scotland has an overall regulation role, which we feed into. In its overall assessment of councils' performance, Audit Scotland assesses the provision of services for Gypsy Travellers where there is no site. However, the appropriate regulation depends on the nature of the service. Where the Scottish Commission for the Regulation of Care examines the provision of care or support services, it will examine the provision of such services to Gypsy Travellers. Services are examined in a range of different ways.

Nora Radcliffe: This may not be your role but, from your experience, what recommendations would you make to local authorities to improve their overall approach? Also, what recommendations would you make to us about how we can assist in improving service delivery?

Yvonne Summers: The key recommendation that we tend to make to councils that ask how they can best respond to our performance standards is that they should mainstream the activity in the same way as they are expected to mainstream any other equalities issue. We recommend that councils start from an expectation that the housing-related services that are provided to

Gypsy Travellers should be on a par with those that are provided to settled tenants. Only then should they begin to think about necessary or justifiable amendments to the service to respond to the specific needs of Gypsy Travellers.

You also asked about my recommendations to the committee. As the regulator, we would be grateful for any action that helped to keep the issue high on the corporate agenda for local authorities.

Nora Radcliffe: We will try to do that.

The Convener: We are committed to that, too.

11:15

Phil Gallie: My question relates to the regulation of services and to a petition that the committee will consider later in the meeting. Do you have a role in setting or limiting electricity charges? Do you have any influence on on-costs from local authorities?

Yvonne Summers: We do not have such a role; we do not have the power to set or limit electricity charges. The issue has arisen in our work and concerns have been expressed by residents at a number of different sites. Our approach has tended to be to go back to the authorities to ask what they have done in consultation or negotiation with electricity providers to try to ensure that a fair rate is charged for the provision of a service in particular circumstances. In a number of instances, negotiations have been successful, so we encourage local authorities to work with providers in that way.

Phil Gallie: Co-operation is one thing and you seem to suggest that in the main your approach has been positively received. Should there be a legislative backdrop that would allow you as regulator to take a firmer line?

Yvonne Summers: To date, our experience has been that the existing legislative backdrop is sufficient to enable us to do our job. We have received encouraging responses from local authorities and we have not identified areas in which we lack powers to encourage organisations to make changes and improvements. To some extent it is about going back after a time to ascertain the impact of changes and about continuing to work with local authorities, to encourage them to change and to share best practice, so that they can learn about the options for change. In our experience, that approach has been more productive than an attempt to force councils to take action under specific legislation would be. Varying approaches are often needed to respond to circumstances and contexts that can be very different, but it is extremely difficult to

adopt such varying approaches through legislation.

Phil Gallie: Finally and briefly, are you saying that there is a lack of uniformity of pricing in sites in Scotland, which is perhaps a problem?

Yvonne Summers: We certainly found that in the inspections that we carried out.

Ms White: I want to ask about funding and the differences between sites. You mentioned the affordability and compatibility of rents when you referred to the thematic study. Do you advise councils to mainstream sites in their housing budgets by charging the same affordable rents that housing associations charge, or do councils make up their own minds about what to do?

Yvonne Summers: We encourage councils to consider the relationship between the cost of providing a service and the rents that are charged to the people who use the service. In the inspections that we carried out, we did not identify such a relationship. In the interests of transparency, the people who use a service should be clear about why they are charged what they are charged and should receive a service that justifies the level of charge. We have exactly the same expectations of local authorities in relation to the setting of council rents for settled tenants.

The Convener: Thank you for your evidence. We will have a short break to allow a changeover of witnesses.

11:19

Meeting suspended.

11:27

On resuming—

The Convener: I welcome Ali Jarvis and Chris Oswald from the Commission for Racial Equality and Rosemarie McIlwhan from the Scottish Human Rights Centre. I invite those who wish to do so to make a short statement.

Ali Jarvis (Commission for Racial Equality): As you will be aware, the CRE is a publicly funded, non-departmental public body established under the terms of the Race Relations Act 1976. Our three remits, which are firmly governed by that act, are to promote race equality, eliminate discrimination on the basis of race and promote good race relations. In terms of our relationship to the communities that we serve, we can speak only in the interests of a particular ethnic minority community, not on its behalf. However, our observations in relation to Gypsy Travellers in Scotland lead us to believe that there is no other section of the community that is as consistently vilified and about which negative stereotypes are

so overwhelmingly held. Gypsy Travellers are a high priority for us. Like many, we have been concerned at the lack of rapid progress following the good work that was done by the Equal Opportunities Committee in 2001. Equally, we are concerned about the generic responses that are given to quite specific issues that are not suited to being dealt with in a generic way.

Rosemarie McIlwhan (Scottish Human Rights Centre): I echo Ali Jarvis's general comments. We have been working in the area of Gypsy Travellers for 10 years and it saddens me to see that there has been so little progress, particularly in the four years since the publication of the Equal Opportunities Committee's report in 2001.

We are involved with a number of Gypsy Traveller organisations, such as the Gypsy/Traveller Community Development Project and the ill-fated Scottish Travellers Consortium, representatives of which the Equal Opportunities Committee met during the inquiry that led to the publication of the report. Of course, it, like the Scottish Gypsy Traveller Association, no longer exists. That highlights one of the concerns, which is that there is little representation of Gypsy Travellers by Gypsy Travellers. Rather than having agencies such as ours coming to Parliament to present our casework, it would be better if there were bodies that enabled Gypsy Travellers to represent themselves.

11:30

The Convener: One of the key recommendations of the Equal Opportunities Committee's 2001 report was that Gypsy Travellers should be regarded as an ethnic group until such time as a court decision recognised them as a racial group under the Race Relations Act 1976. Four years later, we are still waiting for such a decision. Are we any further forward? What have been the difficulties in obtaining such a decision?

Ali Jarvis: In the past five years, between 6 per cent and 20 per cent of our annual case load has related to Gypsy Travellers issues. We have actively sought out case opportunities in the area. We have also examined the opportunity for legislative amendment to the Race Relations Act 1976 to determine whether we can approach the matter in a way other than by taking a case. However, the precedent is that such changes—for example, the changes to the status of Sikhs and Jews—have been case driven. Previous cases on Romany Gypsies and Irish Travellers—Dutton in 1988 and Keeley in 2000, respectively—were supported by the CRE. The fact is that a case will be needed.

The three elements that are needed in order to get a successful case that will establish the

principle clearly in the Race Relations Act 1976 are the right case, the right circumstances and the right respondent. Getting all three of those elements together at one time has proved to be challenging.

First, clearly, the case has to have legal validity if it is to make the point that we want it to make. The last thing that we want to have is a test case that fails. That would be in no one's interests. One of the most taxing elements to get in place is the circumstances. In law, cases have to be driven by the individual plaintiff and the last thing that many people, particularly those who have been the victims of quite overt discrimination, want to do is devote the next two years of their life to becoming a court martyr and having to put themselves through the wringer again and again over something from which they would prefer to move on. That is particularly true in relation to our work with ethnic minority communities that have issues relating to mobility, not simply Gypsy Travellers, or people who feel that the prevailing stereotypes are so firmly set that it is difficult to get any kind of a fair hearing. The third element that must be in place is the right respondent. Clearly, we need someone who is going to defend the case. Often, however, the respondents realise that they will lose the case and settle out of court, which means that we never get a court decision.

There is another option. As you will all be aware, the equalities review that is about to be undertaken might provide the first ever chance to change an amended piece of legislation through statute rather than through a case. That could happen if, as a result of the review, a strong recommendation were made that Scottish Gypsy Travellers should be covered by the Race Relations Act 1976.

Rosemarie McIlwhan: I do not want to talk about the legal aspects. I want to talk about the practical aspects that stem from the Equal Opportunities Committee's 2001 recommendation that Gypsy Travellers be treated as being protected. Our experience is that that is just not happening. The equal opportunities policies of local authorities and other public bodies might mention race, but they say nothing specific about Gypsy Travellers. I suggest that, until they are specifically included in those policies, they will continue to be an ignored minority. That might be something that you could provide an additional steer on.

Even worse, I suggest that, in practice, local authorities are generally failing against their equal opportunities policies. They have a lovely bit of paper but do not put it into practice. That is especially true in relation to working with Gypsy Travellers.

The Convener: To what extent do you feel that the committee's recommendation that Gypsy

Travellers should be treated as a distinct ethnic group has had an impact, in the absence of a test case? For example, are you seeing any evidence of Gypsy Travellers being recognised as a distinct ethnic group in terms of strategies, training materials and policies? Can you give us any good examples where people are recognising Gypsy Travellers in their planning or in other work that they are doing, or is there, as Rosemarie McIlwhan said, a total absence of that sort of work?

Ali Jarvis: Some good practice is under way. Certainly, political recognition of the issue has helped to provide some point of leadership and some people have taken up the issue. The key factors to emerge from that concern inconsistency and patchiness and the fact that people do not feel under any particular obligation to take up the issue. It seems to come down to choice-based policy making: if someone feels particularly strongly on the issue, they might push it through or it will happen if there is a strong and consistent local lobby that helps to drive forward the issue. The situation is not consistent.

Chris Oswald (Commission for Racial Equality): Certainly, the plans and race equality schemes that have been published under the race equality duty that has been in force and operational since 2002 rarely refer to the specific needs of Gypsy Traveller groups. There are some good examples of practice, particularly in the work of the national resource centre for ethnic minority health or the Scottish Traveller education programme, both of which are national initiatives—that said, their application is patchy.

It is also important to stress that the political recognition that the committee has given to the desirability of a status for Gypsy Travellers applies only to the public sector and much of the discrimination that Gypsy Travellers face is in the private sector, where no recognition is given to their status.

Phil Gallie: Obviously, I was not a party to the previous committee report on the issue and I am not fully aware of its contents. However, surely problems can arise with respect to definition. Although I blandly use the term "Gypsy Traveller", I perceive Gypsies as an ethnic race and Travellers as people who determine at some time in their life that they want to work in various places around the country in the summer and return to their homes for the winter, for example. We heard this morning about some young people who are doing just that. Where do the racial aspects come into this particular argument?

Ali Jarvis: A number of different ethnic dimensions are involved. To say that Gypsies are the true ethnic group and that Travellers are somehow something else—some sort of come-latelies—is a somewhat facile argument.

We see a number of self-determined ethnic identities within Gypsy and Traveller communities. As you rightly highlight, they include the occupational travellers who work in fairs or circuses or on the waterways, for example. I refer the member to the original committee report for the full detail, as it covers the issue in some depth. That said, the people who are classed as Gypsy Travellers in Scotland are people who have a common identity and a shared cultural heritage. Certainly, all the expert reviews that have been undertaken have said that Scottish Gypsy Travellers as a group have a shared identity, albeit one that has many different aspects.

Quite often, the term "Traveller" is self-used by people who identify themselves as distinct from the people in the settled community, but it does not mean to say that those people are not also Gypsies. We have to look at self-identification and at the key threads that an external review would consider, which are the threads of a shared cultural heritage and identity. Certainly, Scottish Gypsy Travellers, as a group with many different subsections, have those threads.

Marlyn Glen: In its report, the committee also recommended that Gypsy Travellers should be more involved in decision making on public service provision and policy through their representation on working groups in local authority areas. Are we making progress in that regard and what results, if any, are we seeing in terms of service design and delivery?

Rosemarie McIlwhan: I can give the committee one example of good practice—or, at least one example that is an attempt at good practice—which is by the City of Edinburgh Council. The council is trying hard to consult the Gypsy Traveller community and the settled community about the creation of a new Gypsy Traveller site in the city. The council wants to ensure that any new site meets the needs of everybody. The council also has a working group. I know of other such groups, for example in Fife, which also work well. That said, they tend to be the exception rather than the norm. The majority of local authorities have either nominal working groups or nothing at all. Although much can still be learned, we have at least some examples to learn from.

Ali Jarvis: This also touches on the broader challenge of effectively engaging with and consulting hard-to-reach communities. Local authorities and other public bodies must take into consideration the fact that it is insufficient simply to say, "We'd like to talk to you, so come and talk to us." We need consistent grass-roots investment in capacity building to enable people to participate. That will require introducing some practical measures, which might include expenses, and recognising that on many occasions people will

have to take time off work or take annual leave in order to participate. The danger is that that would put an unwelcome and unfair burden on a minority who are expected to make themselves available as spokespeople for a whole community. Because that method of consultation is not sustainable, capacity building must be at the heart of any initial engagement or consultation, and that will cost money.

Rosemarie McIlwhan: This also raises the issue of literacy. Because many Gypsy Traveller adults and children have not been through the full education system, written consultation is not necessarily the most appropriate means of consultation.

Marlyn Glen: I am glad that you brought that up, because that is not news to us. The Equal Opportunities Committee takes quite a lot of trouble to ensure that its consultations are as open as possible, and we would expect other organisations to do the same. I grant that we are trying to take a lead on the matter and demonstrate good practice, but I hope that other people will pick up on that.

Since the commencement of provisions in the Race Relations (Amendment) Act 2000 in November 2002, there has been an enforceable statutory general duty on local authorities to promote race equality. In the absence of formal recognition by means of a test case, to what extent do you feel that the duty has improved the situation for Gypsy Travellers in Scotland? Indeed, has it improved the situation at all?

Chris Oswald: It has improved matters to some extent. However, the difficulty is that the application of the legislation has been patchy not only for Gypsy Travellers but for all ethnic minority groups. Different areas have taken different approaches and the speed of progress has been different across different sectors. From my own work, it appears that the national health service has moved significantly from a very low base, whereas a number of local authorities have adopted a more-of-the-same approach instead of making the root-and-branch re-examination of policy that the Race Relations (Amendment) Act 2000 called for. We picked that up in our strategic work and last year we issued 25 notices to organisations whose plans were too insufficiently detailed to deliver across all ethnic minority groups, not just Gypsy Travellers. Exclusion is equally general in the planning of schemes.

Ali Jarvis: We know by the way in which they apply to us that the requirements of the 2000 act have significantly shifted the way in which authorities must think and act. This first stage has allowed us to lay a common foundation and reach a shared understanding as we move towards the refresh of policies and functions in November and

what we have loosely termed phase 2. We will have significantly higher expectations of public bodies, and it will be insufficient simply to comply with the basic framework. We will push much harder on specific areas and will expect higher-level targets that are much more directly linked to outcomes.

Marlyn Glen: So the process is slow, but progress is being made.

Marilyn Livingstone (Kirkcaldy) (Lab): I have some specific questions on the key issue of accommodation and local authority service provision. We heard this morning that the Communities Scotland regulation and inspection division is for the first time regulating available local authority provision and services. Is such a process effective? You have already said that a little progress has been made, but what are your views on the speed of progress in this particular area of local authority provision?

11:45

Ali Jarvis: We are content that regulation has been put in place and that there are at least some guidelines and things now, which is a step forward.

When we talk about accommodation, we tend to focus only on sites. The key for us is to develop a strategic vision of what accommodation could and should be, and the word that underpins that is choice. It must enable people—whoever they are, but specifically Gypsy Travellers—to live in a place that suits them and is appropriate to their needs. There should be mixed provision, including settled housing for some people, where that is appropriate, and long-term and short-stay sites. This morning, we have talked extensively about long-term sites; little reference has been made to the paucity of short-stay sites. There are also issues around self-owned sites and plots and roadside encampments, which will continue to be a part of any formal or informal accommodation strategy.

We must not get hung up on just one issue. Things are improving at some level, but I return to the point that there is inconsistency and a lack of forward planning or real structure behind the provision, which tends to be a bit ad hoc. Some of the provisions in the Housing (Scotland) Bill deal with what is termed unsuitable and below standard accommodation. Some of the sites are still not acceptable at any level for people to live on, considering what facilities and play equipment they are expected to have. Basic health and safety issues must be addressed, as a starting point. There are broader issues. It would be wrong to say that there has been no progress, but that progress is not sufficient.

Rosemarie McIlwhan: We must look at the baseline that we are starting from. One of the flaws with some of the sites is their location: they are out of town, beside the local dump; they have pylons and railway lines with no fencing beside them. Their location is a physical hazard before we even look at what is provided on the sites. Some of the sites that were flagged up to the committee in 2001 as being problematic are still problematic. For example, people cannot get access to them. Until that is resolved, the problem will remain. It comes down to certain local authorities having a bad attitude towards the issue.

Marilyn Livingstone: I was going to ask you about the challenges facing local authorities, but I think that you have just answered my question on that. Based on your experience, what recommendations would you make to local authorities on how they could improve their overall approach to managing sites and services? It is not just about sites—I take that on board. It is about how local authorities take a holistic approach to the variety of services that are required.

Ali Jarvis: The first step would be not to make the matter problem based. Often, local authorities seem to approach Gypsy Traveller sites as an issue to be managed rather than as a service to be provided in the same way as any other service that is provided to citizens in the local authority area. There are practical issues such as security of tenure, deficiency of service, health and safety, rent review and the cost of electricity. Tonnes of practical issues are faced by any tenant or any person who lives within a local authority's bounds.

Local authorities must also address head on the expectations and understandings of settled communities—so many of the flashpoints around accommodation come from the discriminatory attitudes and prejudices that are held by people in settled communities—as well as ensuring that all people are aware of their rights and responsibilities as people living on sites or in settled accommodation. Local authorities need to address the broad issue of attitudes and the more specific issue of not immediately seeing Gypsy Traveller sites as a problem.

Rosemarie McIlwhan: You mentioned local authorities taking a holistic approach. Although housing is one aspect of this, a holistic approach must be taken to ensure that there is appropriate education, health, social work, and so on. The feedback that we are getting is that people are sick to death of officials coming out to visit them. Every service comes out individually and, quite often, comes back more than once. That is a hassle. Imagine six different officials coming to your house to say to you, "What about this? What about that?" It would be good to see the local

authorities taking a joined-up approach and saying, "Right. This is the person who's going to visit. They're going to have information on how to get your waste managed if you're on a site or roadside encampment and information on how to access local education and health care." It would make life a lot easier if all that information were available in one place and were provided by one person rather than by six different people.

Marilyn Livingstone: That is a good point.

During Ali Jarvis's answer, I thought about the process of community planning and structure planning that local authorities go through. In your experience, how much work goes on around the developments that we are asking about? You have talked about the importance of getting things right at the very beginning, which would appear to relate to structure planning and community planning. I represent a Fife constituency—Kirkcaldy. As you are aware, Fife is going through that planning process at the moment. I was glad to hear Rosemarie McIlwhan mention that Fife Council had good practice. You have referred to the situations in Fife and Edinburgh, but to what extent does such work go on throughout the country and where does it begin?

Chris Oswald: I refer the committee back to the Race Relations (Amendment) Act 2000, which places a number of duties on public authorities as regards planning on a broader, structural level. Impact assessment is a key tool that we would expect to be used. We acknowledge that the discrimination that Gypsy Travellers face is sometimes not planned, but is simply a product of a lack of focus on their needs. The process of impact assessment—which we would expect to have been implemented in the context of community plans and housing plans, for example—starts with a basic acceptance that there is a diversity of need in the community. We must map that diversity of need and project forward the potential impacts of our policies.

For example, if our policies favour people who have postcodes—in other words, if having a postcode offers the only route into services, as has been the case with access to general practitioners in the health service—they could be indirectly discriminatory against certain groups. Many of the tools that could be used are already in place; it is simply that they are not being employed fully. It is encouraging that the health service now has a national impact assessment tool, which is being rolled out across boards. We hope that that will result in improvement.

In Scotland, part of the problem is still the absence of data and consultation and the assumption that just because we have no data on child protection issues in Gypsy Traveller communities, for example, there is no problem to

investigate. We all accept that that is not necessarily the case. There is a requirement to do what Ali Jarvis suggests. We must provide significantly more investment in gathering intelligence, conducting consultation and producing research that feeds into—and, I hope, sharpens our approach to—policy in the future.

Ali Jarvis: In summary, if public bodies and local authorities were doing effective race impact assessments at the appropriate time—as they are required by statute to do—my naive and idealistic head would say that we would not have a problem. If they were doing that properly, they would get this stuff right.

Marilyn Livingstone: That was interesting.

As you are aware, one of the recommendations in the committee's report was the appointment of a Gypsy Traveller liaison officer. The information that we have received from local authorities suggests that few councils have acted on that recommendation. Have you had the opportunity to consider the work of such a liaison officer and, if so, how helpful do you feel that the performance of that role would be to improving local authority service delivery to Gypsy Travellers?

Ali Jarvis: That has been done proactively and with good grace in some areas. There is good practice in and around the north-east. In Aberdeen and Aberdeenshire, there is effective liaison involving not only the local authority but the police and the health board. That ensures a joined-up approach to public service, which Rosemarie McIlwhan spoke about. The key element is to have a single point of contact that can deal with many issues. Our overview would probably be that provision is patchy and inconsistent.

Rosemarie McIlwhan: There are specific concerns to highlight. Certain local authorities simply added the title of liaison officer to that of existing site managers without changing their role, even though complaints had already been made about those site managers. That enabled the local authorities concerned to tick the box, but did not improve the situation.

The Convener: And perhaps the situation was made worse, because the roles are different.

Elaine Smith: I return to Rosemarie McIlwhan's comment about six different people visiting from six different departments. Is it your understanding that a liaison officer would be in a good position to co-ordinate, so that six different people do not visit? Is that the ideal?

Rosemarie McIlwhan: That is precisely the role that you would expect of a liaison officer—to be there, to support the community, to build up a relationship of trust, and to be the first point of contact, so that if community members want

something but do not know where to get it from, they talk to the liaison officer and they help to find it for them.

Elaine Smith: Before we move on from accommodation, you mentioned issues to do with roadside sites and private land. One of the young people we spoke to before the committee meeting mentioned problems with private land and people being moved on from land that they own. There has been negative publicity recently about roadside sites. Do you have any comments on the problems and perceptions? Why is there all this negative publicity? I am talking about the sites, not the wider issues, because I want to come on to the media later.

Rosemarie Mcllwhan: On private sites, apart from anything else, the issue is lack of knowledge. Case law from the European Court of Human Rights specifies that a Gypsy Traveller has a right to their home, including when it is on their private land. They are obviously covered by any planning consent issues, on which there have been a number of cases.

With regard to roadside encampments, I do not know whether you want to talk about the unauthorised encampments policy later, or whether you would like comments on it now.

Elaine Smith: I do not know. Convener, it comes under "accommodation", so it might be appropriate.

Marilyn Livingstone: Perhaps Rosemarie Mcllwhan can address that in answering my last question. We have heard a lot of good points in this session. Could you summarise your recommendations on how we can assist in improving service delivery?

The Convener: There will be an opportunity to pursue Elaine Smith's question later.

Rosemarie Mcllwhan: On housing, private sites should be regulated by Communities Scotland. Normal registered social landlords, whether public or private bodies, are covered. The Housing (Scotland) Bill affords a good opportunity to make easy but constructive changes to housing issues for Gypsy Travellers. That might be worth looking at.

Nora Radcliffe: I understand that the CRE is producing a Gypsy Traveller strategy. Can you tell us more about that? How have you gone about it? What stage is it at? When are you likely to publish it?

Chris Oswald: The CRE took a corporate decision at our head office in 2002 to develop a Gypsy Traveller strategy, and consultation was initiated. However, given the situation in Scotland, and particularly the impact of devolution, it was felt that it would be inappropriate to have a Great

Britain strategy, and that we should have a separate Scottish strategy, particularly to pick up on issues such as legal status, which would not necessarily be a priority in England. The work went ahead in England and Wales and involved two consultation meetings in Scotland and a number of submissions from Scotland.

Unfortunately, the parallel process of developing a strategy in Scotland was delayed by the simple fact that we lost staff and were unable to replace them until very recently. Since March, I have been tasked with developing the strategy. We hope to have a strategy out for consultation during the summer months, and to have it in some kind of final form towards the autumn. To some extent, the speed at which that will happen is dependent on co-consulting with the Gypsy and Traveller law reform coalition. While it is consulting on its bill, it would make perfect sense for us to consult on our strategy, rather than approach the same people twice. We are waiting until the end of this month to agree a consultation timetable. However, we really want to finalise the Scottish strategy.

The main issues that will arise in the Scottish and English strategies will probably be slightly different. In the Scottish strategy, the legal status of Gypsy Travellers will obviously be a primary issue. Another issue will be the opportunities for housing reform, perhaps through a separate bill or through the Housing (Scotland) Bill. The CRE's role in promoting good race relations in the media will clearly be a third issue. Fourthly, the strategy will need to consider the added value that the CRE can bring to other social policy initiatives. For example, recognising the good work that has been done on hand-held patient records and by projects such as the Scottish Traveller education programme, we need to consider what the CRE could usefully focus on without replicating other people's work.

12:00

Nora Radcliffe: I will move on to another topic. Our predecessor committee's 2001 report specifically recommended that relations between Gypsy Traveller communities and the police should be monitored. Do you know about or have you been involved in any such monitoring? Have relations between Gypsy Travellers and the police improved since that report?

Rosemarie Mcllwhan: Again, practice has been patchy. We have examples of incredibly bad practice in Edinburgh—again—and in Oban. However, the police should be commended for introducing a very good policy on management of roadside encampments. There remains an issue about mistrust of the police, who still have a very bad image. Public trust in the police is generally not high, but that is particularly the case within

ethnic minority communities and it is even worse within the Gypsy Traveller community. High-profile incidents in which the police are deemed to have behaved badly towards that community certainly do not help. We still have an awfully long way to go before we can say that good relations exist between the Gypsy Traveller community and the police. However, in places such as Aberdeen, which Ali Jarvis highlighted, the police are at least trying.

Nora Radcliffe: It is encouraging to have good examples that can be pointed out to other people.

Ms White: If councils had liaison officers, could those officers also liaise with the police to make their job easier and to help them to understand the situation? Is there a lack of liaison officers in councils because of the lack of funding that Ali Jarvis mentioned earlier?

Rosemarie Mcllwhan: Yes. The lack of funding has an impact and, yes, a liaison officer could liaise with the police.

For many people, especially people in roadside encampments, their first contact is not with a council employee but with the police. We will never be able to engender trust in the police if the first call that people get when they set down for the day is from a police officer rather than someone asking how they can help. With the best will in the world, even if the police are very nice about it, matters will never improve by having a police officer arrive on the doorstep.

Ali Jarvis: As you are probably aware, when the Commission for Racial Equality announced that it would conduct a formal investigation into the police service in England, we again waved the "Scotland is different" banner and decided to carry out a review of the Scottish police service. We felt that, in Scotland, a review would provide a more useful foundation on which to develop positive outcomes. The report of the review will be released in early summer, but we already have what is pretty much the final draft. Although the report examines relations between ethnic minorities and the police as a whole, it deals extensively through focus groups, including one of young Gypsy Travellers. The findings reinforce Rosemarie Mcllwhan's point that the first point of contact is usually critical in determining subsequent relations. The first doorstep encounter can determine how a relationship is built.

The challenge is to overcome the many significant negative experiences. Clearly, one opportunity that could be taken would be to put much more effort into building trust and into working in partnership. There needs to be acceptance that the policing role might need to be carried out in partnership with the local authority's Gypsy Traveller liaison officer, so that the police

are supporting citizens rather than simply policing problems. I think that the police understand that, but they also recognise that a significant step is required in order to make progress and to deal with the baggage of history.

Rosemarie Mcllwhan: The unauthorised encampments policy makes the police's job difficult. The presumption is that the first point of contact will be the police, or police plus a council employee. If we were to work like that with any community, we would automatically attract hostility, but that is the Scottish Executive's policy. The policy is cause for concern because it makes life difficult for the police.

Nora Radcliffe: Has any police board considered appointing liaison officers to council units? Has anyone developed particular expertise on the matter?

The Convener: We intend to take evidence from organisations in Aberdeen, where the police work alongside other agencies. That will allow us to consider that issue.

Nora Radcliffe: Right.

My last question is about the recommendation in our report that good relations should be positively promoted. Again, we are desperately seeking evidence of good practice to show that something has happened in that regard. Is there any evidence of specific inclusion of Gypsy Travellers in race-awareness promotions or anti-racism campaigns?

Ali Jarvis: Who is going to use the word "patchy"? There are examples of such work, but it is often led by a voluntary sector body or by the Gypsy Traveller communities. Where local authorities have become involved, they have been supportive partners, but they have not taken the initiative. That is a first step, but it is not sufficient for people to expect a community to take responsibility for its own good race relations. Clearly, the community has a role, but it is not a leadership role in its relationship with the local authority.

Rosemarie Mcllwhan: The work is being done on a single-strand issue rather than being mainstreamed. Where work is happening, it is about Gypsy Travellers specifically; it is not included in explanations of equal opportunities policies or in work to promote equal opportunities. In any council document these days there will be mention of people with disabilities, males, females and people from ethnic minorities, but there will be nothing to say—either in writing or in pictures—that the document also relates to Gypsy Travellers.

Elaine Smith: I want to explore the impact of the media on discriminatory attitudes and

prejudices. The United Nations Committee on the Elimination of Racial Discrimination has expressed concern to the United Kingdom Government about the increasing racial prejudice against ethnic minorities that is reflected in the media and it has mentioned the Press Complaints Commission's lack of effectiveness in dealing with the issue. Any action on that would be reserved to Westminster, but what impact do the media have on good relations with Gypsy Traveller communities?

Ali Jarvis: When the Equal Opportunities Committee reported on the issue at the beginning of the millennium, I hoped that we would find ourselves ahead of the media debate. However, because matters have moved slowly, the situation is not dissimilar to that in England, where the media debate—rather than the reality of policy making or people's life experience—shapes some people's understanding, particularly in settled communities. We have been concerned about specific media coverage this year; we expressed our concern to the editor of the newspaper in question and to the Press Complaints Commission. The problems arise because the issues that are reported are unremittingly negative. The media take small and particular examples to use as the basis for defining a whole community, which has a significant impact on good race relations and on settled communities' understanding of Gypsy Travellers, their role, why they live among them and what the relationship with them might be.

We have not carried out specific research on the situation in Scotland, but in a MORI poll from 2003 that was entitled "Citizenship 21: Briefing Notes On Profiles Of Prejudice" one third of the respondents were happy to say that they held prejudices against Gypsy Travellers, which was higher than for any other group in society. When asked where they felt their views and attitudes about Gypsy Travellers came from, two thirds of those people identified television and the newspapers. When people are fed a diet—day in, day out—of large headlines or front-page news that puts forward one stereotypical picture of a whole community and draws inferences from that, race relations suffer. That is one of our most significant areas of concern. We genuinely fear that such unremitting drip-drip coverage, which could be termed harassment, will lead to some kind of backlash that will end in a serious significant incident.

Elaine Smith: Going back to what the UN committee said, is that part of a general trend? Does the way in which Gypsy Travellers are reported and stereotyped in the media stand out?

Ali Jarvis: It stands out from the general racism that might be seen. The parallel that I draw is with early reactions to asylum seekers, when the issue

was taken completely out of context and perceptions were based on a couple of incidents. Significant good-practice work was done and positive action was taken around Sighthill, for example, to try to shift and shape communities' understanding and to make them realise that the supposed demons who had suddenly come to live among them were actually human beings who have the same values, aspirations and desires. We must look to do the same work again. It will take re-education and debunking of myths that are perpetuated as though they are facts.

Elaine Smith: You mentioned bad practice. Are you able to give examples? In the case of asylum seekers, the word "bogus" is sometimes used and has become an automatic prefix in people's minds, but what on earth is a bogus asylum seeker?

Ali Jarvis: Exactly. A similar phrase—"rogue Gypsy Travellers"—is being used at the moment. The issues that are focused on include people leaving litter and having wild dogs. If any newspaper in Scotland were to decide to conduct a vendetta against all the people who fly-tip, I am sure that many people in many communities would be affected, although I am not saying that people should fly-tip: it is illegal. However, if an individual from another community who did that was deemed to reflect their whole community, that would not be acceptable in any other segment of Scottish society, but that is how Gypsy Travellers are portrayed.

Elaine Smith: So—there is constant negativity. On the Commission for Racial Equality's website, there is guidance for journalists that addresses some of the issues that you have been talking about. Do you think that it has had any impact on the standard of reporting? Do you expect it to have any?

Ali Jarvis: We have no teeth to back that guidance up. We can push people to follow good practice by writing to editors and, in a reasonable way, we can outline our concerns. However, if journalists choose to ignore what we say, we have very little statutory opportunity to back that up.

Elaine Smith: I presume that there are teeth available. What would you suggest? What can we do about that?

Ali Jarvis: It comes back to the fact that the matter is a reserved issue. We need to consider the powers of the Press Complaints Commission as a broader issue. People have in some instances examined whether criminal offences are being committed and I am sure that there is good legal advice that keeps people just on the right side of certain lines. We must examine our opportunities and, if we cannot forcibly change the media in the short term, we must put a significant amount of work into positive action—education

and working directly with the communities that are involved—so that people hear the messages truly and accurately from people who can speak about them, rather than hear them filtered through the particular point of view of any aspect of the media.

Rosemarie McIlwhan: I strongly echo Ali Jarvis's comments. The media in Scotland seem to have forgotten that freedom of expression is a right that comes with responsibility; for the media, it is a grave responsibility. As Ali highlighted, this has the potential to escalate into a serious situation. I would hate for the media to have that on their consciences.

The Convener: They would blame it on someone else.

Shiona Baird: From visiting Aberdeen, we know what good relations have been developed there among the council, the police and the health service. However, that is being undermined by the most appalling press reporting. The press have recently pulled stunts such as parking a caravan outside the council offices and demanding skips and portaloos. You have said that there is not really anything much that we can do to take action, but it is such a fundamental problem. It is undermining the good work that is being done, but we have no teeth to do anything about it. That is appalling.

12:15

Ali Jarvis: We have to use all the vehicles and channels that are available to us, such as letters to the PCC. At the same time, we must work on publicly supporting people in public authority who are trying to show leadership and to ensure that there is clear political support at national and local levels, so that they do not find themselves isolated and hung out to dry. The personalised nature of some of the coverage of particular incidents has seriously challenged individuals who are trying to do a decent and respectable job, and it has been taken very personally.

We must build in support and back-up and we must try to work more directly and intensively in schools in the area, with young people or with adults. On the incident to which Shiona Baird referred, what we found and what we have significant concerns about is that the paper in question is not reflecting the views of its readership but is deliberately shaping its readership's views. We have not heard tenants associations complaining and there have not been formal complaints to the police. Nothing is coming from public outcry; it is being led by the paper.

Rosemarie McIlwhan: That highlights the wider issue of public education and awareness, coming back to the high-profile media coverage. The nonsense that we see in some of the papers in

Scotland and the UK—we have been pursuing a complaint against a national paper, too—is all based on ignorance. The prejudice stems from ignorance, which is where stereotypes come from. That is why we are seeing stunts such as those that the newspapers are pulling. If people were educated much earlier about Gypsy Traveller culture, and if there were positive projects to explain Gypsy Traveller culture to the settled community, that would be beneficial and we would see less nonsense.

Ali Jarvis: Similarly, if some people understood that the rents and electricity charges that the people who live on substandard and unpleasant sites are paying are higher than the rents and charges that they pay in their settled accommodation, that might make them think about what is fair in the world.

Shiona Baird: My next question is about unauthorised camping and the guidelines that were published in December 2004 by the Executive. What are your views on those guidelines? I was particularly interested in Angus Council's leaflet, which is printed at the back of the guidelines. Do you think that that is helpful or not?

Ali Jarvis: There are some unfortunate tonal issues in the guidelines, which really do not help, but the biggest problem with the guidelines is that they are isolated and are not part of an overarching national approach. The Executive has picked one problematic area and said, "This is how we manage the problem." If that were to be fitted into an overall strategy on Gypsy Travellers in Scotland that showed clearly how good relations were promoted, how education was done and how, in the odd instances of problems arising, any problems could be dealt with, the problems of the tone of the guidance might be reduced slightly. The fact that the guidelines stand starkly on their own sends out a negative and difficult message.

Rosemarie McIlwhan: I echo that. If the language in the guidelines was used about any other ethnic minority community, you would have a riot on your hands. It is disappointing that the Executive received so many consultation responses with so many positive suggestions, but ignored most of them. What comes from the equality unit and what comes from the housing department—which wrote the guidelines—are very different policy and practice, which shows that there is a need for joined-up working within the Scottish Executive.

The Executive needs to scrap the guidelines and start again; it could learn a lot from what the police did with their guidelines. We need to move away from the concept of unauthorised encampments' being a criminal justice issue. Unauthorised camping is covered by some criminal justice legislation, but camping is that community's way of

life; they have a right to have that respected under the Human Rights Act 1998. We need to ensure that we proactively accommodate that, rather than merely tolerate it, which implies that there is something wrong. We need a policy that will achieve that. As Ali Jarvis said, it needs to be an holistic and comprehensive policy that will ensure that Gypsy Travellers have access to services, such that when they set up an encampment by the roadside, somebody comes up and says, "Hi. How long are you going to be here? What can we provide for you? What do you need to make this as comfortable as possible for you while leaving as little impact on the environment as possible after you've left?" That does not come out from the guidelines at all.

I would certainly not use the Angus Council leaflet as an example of good practice. Highlighting the rights and responsibilities of Gypsy Travellers and the settled communities is a great idea, but the leaflet does not manage to do that.

Shiona Baird: Angus Council just has not understood. It wanted to make a good attempt, but what is in the leaflet is not good. However, it is progress, I suppose.

Ali Jarvis: Rosemarie McIlwhan made an important point: if councils are to produce leaflets to hand out to Gypsy Travellers, it would be useful if they could think about a combined leaflet that could also be handed out in neighbouring housing. It would be good practice to deal with the issue in the round, so that we can learn to live together rather than say to one group, "As long as you don't do any of these things, you'll be okay." We have to consider the rights and responsibilities of people in settled accommodation as well.

Chris Oswald: The leaflet is an interesting instance of a well-meaning attempt that has merely amplified the stereotypes that already exist.

Shiona Baird: That is what I felt.

Ms White: I have just had another glance at the leaflet and I find it quite disturbing. It contains phrases such as "prevent disease", as if human beings would not know to behave in ways that would prevent disease.

We have had a good discussion and various ideas have emerged. I like the idea, or slogan, that Ali Jarvis suggested, which is that the solution is about supporting citizens, not policing people. That is fantastic and the police should perhaps use it for everybody, not only Gypsy Travellers.

You mentioned mainstreaming and funding. Would you go into that a little further? Housing, social services and policing issues could be mainstreamed by councils. Are there any issues

that we have not covered that you would like to raise?

Ali Jarvis: There is one issue that I would like to raise—it sits above all the others—and that is visible leadership. Public leadership will shape attitudes and political leadership will support local delivery. What I would call social leadership will start to shape the way in which private services are delivered. Those issues are key. Unless we have leadership from a variety of sources, people will always be able to pick off parts of the agenda.

I agree that mainstreaming is the way forward. A challenge with mainstreaming is that, when an issue is low on the agenda, people say that it has been mainstreamed. Some of the Scottish Executive's responses to the committee's original recommendations mentioned some very generic work and said that the issue would be included in them, but it has not been. Mainstreaming is the long-term solution, but more specific concrete and discrete action is required first in order that we can arrive at a point at which mainstreaming is appropriate. People really need to understand the importance of the distinctions between Gypsy Travellers and other racial and ethnic groups. The circumstances of Gypsy Travellers are different.

In my introduction, I started by saying that the levels of vilification, stereotyping and prejudice are different for Gypsy Travellers. I would like to end by saying that we need a bespoke solution.

Rosemarie McIlwhan: I echo what Ali Jarvis said. We have been working on issues that affect other ethnic minorities for 30 years, but have still not cracked the problems. We have only started in the past 10 years to work on issues that affect Gypsy Travellers; for some of us it has been only in the past five years. We have a long haul ahead of us. Mainstreaming is the ultimate objective, but a lot of positive action has to take place first just to increase awareness and understanding of the issues that affect that community, before we can even start to tackle the problems. The baseline from which we start is much lower than it is for any other ethnic minority community.

It is frustrating for everyone that the process will take time, but we have to take that time to ensure that we get things right. There is nothing worse than to take action, such as in the housing policy, that actually makes things worse rather than better.

I know that the committee will be considering electricity and fuel poverty in general. Many Gypsy Travellers live in fuel poverty and it is very disappointing that they are excluded from Scottish Executive policies that could alleviate that poverty. However, as that is all set out in the petition that the committee is soon to discuss, I will not say any more about it.

In my opening statement, I referred to representation of communities. It is very difficult to secure funding for that work; it is not a sexy subject and no one who provides grant funding will touch it with a bargepole. As I am sure members are aware, the Executive has tendered the funding for much of its equalities work. As a result, those of us who carry out such work have had to stall until we know whether we will receive that funding. That has jeopardised many projects that involve work with the Gypsy Traveller community. How are we supposed to develop services for them if we cannot get funding? That has had a real impact on the community's ability to develop and represent itself.

Ms White: With regard to the thematic report that was produced in 2002, do you think that we should—for comparison purposes—ask Communities Scotland for more data about the costs of rent, electricity and so on in each council area? That information does not seem to have been made available.

Rosemarie McIlwhan: That would be very useful.

Phil Gallie: On the question of race and ethnic backgrounds, Ali Jarvis suggested that we should acknowledge the ethnic history and lifestyle of Gypsy Travellers. Moreover, Rosemarie McIlwhan said that we must recognise the Gypsy Traveller cultures. Do they feel that Parliament has passed any legislation recently that has particularly helped or hindered them?

Ali Jarvis: I am loth to answer a question about what people feel about a subject when I have not had a chance to talk to them about it. I can respond only by telling you what our organisation feels has helped or hindered the community. In that respect, we feel that some cultural work has not recognised the contribution that Scottish Gypsy Travellers have made to Scotland's cultural life. Sometimes the sin of omission can be as damaging as putting out false information. Although they form a part of Scotland's people, Gypsy Travellers are rarely visible; it is almost as if they have been beamed in as aliens from another planet and are always outcasts or outsiders. As far as inclusion is concerned, I would have hoped that the "One Scotland. Many Cultures" initiatives might have more explicitly, visibly and broadly encompassed people who reflect different aspects of Scottish society.

Rosemarie McIlwhan: I echo those comments. I cannot speak on behalf of the community itself, but I suggest that the equalities statement for any bill must explicitly consider issues that affect Gypsy Travellers. Although a number of bills that have been passed could have dealt with such issues, those opportunities have been missed.

Phil Gallie: Before this meeting, we met young people from the Gypsy Traveller community. I am sure that everyone was quite impressed by them. When I took the time to look at one of their display boards in the committee room, I noticed that one of the young men quite openly boasted that hare coursing forms the main part of their culture. Given that some evidence of that illegal activity came to light up north yesterday and that Rosemarie McIlwhan highlighted the difficulty that the police have in communicating with the Gypsy Traveller community, do the witnesses feel that the Protection of Wild Mammals (Scotland) Act 2002, which concerns hunting with dogs, has had an impact on or has damaged the Gypsy Traveller community?

The Convener: That is a difficult question to answer, but the witnesses can do so if they like.

Phil Gallie: I acknowledge that the question is difficult, but we have already heard a lot of talk about culture. I think that hare coursing is a cultural issue.

Ali Jarvis: I am sure that I understand some of the motivation behind the question and, at the risk of using a fishing analogy, I suggest that it is a red herring. Our laws cover everyone, and many sections of Scottish society would say that hunting is an intrinsic part of their culture. It might have something to do with behaviour or be an activity that many people enjoy, but does that mean that it forms a fundamental part of Gypsy Traveller culture? I would not hesitate to answer that, but I think that it is probably drawing us into an interesting discussion about a subject that is something of a red herring.

Phil Gallie: Thank you very much for that.

The Convener: I thank the witnesses for their evidence, which will be helpful for our report.

I suspend the meeting for no more than two minutes.

12:30

Meeting suspended.

12:36

On resuming—

Petition

Gypsy Traveller Sites (PE760)

The Convener: Item 4 is consideration of petition PE760, which was submitted by Mhairi McKean on behalf of the Gypsy/Traveller Community Development Project and the Scottish Human Rights Centre. Does any member have a comment to make on the papers that were circulated on the petition?

Ms White: As a member of the Public Petitions Committee, I am pleased that it recommended that PE760 should come to the Equal Opportunities Committee. I have looked at the paper and some of the proposed actions. It is right, for example, that the Minister for Communities should keep an eye on the progress of the petition. Perhaps we should ask for an update on what the Eaga Partnership is doing, given that it is providing the programme.

The Convener: I was pleased that the minister's response was so positive. One can start to read something, thinking that it will contain nothing, only to realise all of a sudden that a positive response has been made.

Ms White: It makes a change.

The Convener: Yes; that is certainly the case.

You suggested that we could keep an eye on what Eaga is doing, but surely it simply carries out work on behalf of the Executive.

Ms White: That is correct, but the paper makes no mention of getting an update on Eaga's progress.

The Convener: I assume that the work will be done at the Executive's direction.

Ms White: If we are writing to the Minister for Communities, perhaps we could ask for an update on whether he is involved in talks on the work that the Eaga Partnership is doing. All too often, companies like Eaga get forgotten and yet they are the suppliers of Executive programmes.

Frances Curran (West of Scotland) (SSP): The issue is important. Last year, I was asked to represent two of my constituents: they were an elderly couple who live on a mobile home site. Their electricity supply had been disconnected—illegally, as it turned out—for a year. The situation was absolutely exasperating; the Office of Gas and Electricity Markets would not do anything about it and the local authority felt that its hands were tied. We all know that the courts move slowly and, under the regulatory framework, it seemed

that no organisation had the responsibility of regulating the supply of electricity.

Part 5 of the Housing (Scotland) Bill, which has been introduced into the Parliament, relates to mobile homes and the provision of services to such homes. We should ask the Scottish Executive to consider the outcome of our consultation and to make further provision in the bill for mobile home owners. After all, the services must be provided by statute.

I am concerned not only about the question of pricing or access to an electricity supply; our consideration should be extended to other fuels. The situation that I dealt with involved problems with gas and oil supplies to the mobile home. The companies that supplied those services would not cross the door of the mobile home, because the landlady or landlord had said that they could not do so. Perhaps our letter to the Scottish Executive should ask whether something could be put into legislation in that regard.

Phil Gallie: The Communities Scotland official said this morning that that organisation has little control over such issues; that response was interesting. Perhaps there should be an element of regulation and input from communities, on local authority sites in particular. That would seem to make sense.

The Convener: If the structure existed to ensure that people had a voice and that someone was working alongside them, such things would be less likely to happen.

Shiona Baird: Does the issue not come back to equality? Electricity for council housing is provided not by the council but directly by the power companies. Why are sites managed in the way that they are? If there is an established site, the power companies can come in and provide the electricity for that site. People would then be able to—

Nora Radcliffe: It is not that simple, because we are not dealing with a settled population. When someone moved on to the site, they would have to get the electricity board to connect their electricity and establish a relationship with them. The person would have to have a portable relationship with a power company. There would be practical difficulties. Think how long it takes to get your phone and electricity connected and how it would be if you had to do that every time that you moved.

Shiona Baird: Yes, but there are sites where people live long term rather than short term.

Nora Radcliffe: Yes. I am sorry; I interrupted.

The Convener: Yes, but you are right. It is also a matter of site management, especially if the site manager will not let someone on to the site to install what needs to be installed. It is about how

long people live on the site for and whether the site manager is a private sector owner or someone who works for a local authority. All those issues seem to get in the way. A good site manager should ensure that all those things are on the site, but we know that that does not happen.

We will consider some of those issues. I do not know whether we want to ask the minister to keep us up to date. The research is under way and we need to keep our eye on it. I am not sure whether those issues will feed into the Housing (Scotland) Bill, because the work is being done at the moment and the bill is also under way.

Frances Curran: One of the avenues that I and others pursued was the licensing agreement with local authorities, which is very vague. I know that some of the provisions are reserved, but if local authorities are licensing the sites, particularly private sites, regardless of their nature, it might be an idea to build some sort of guidelines or regulations into the licensing agreement. The Scottish Executive has the power to do that.

The Convener: We could pick that up in our report. It is a basic point.

Frances Curran: East Renfrewshire Council will learn lessons from its experience. Perhaps it will have an idea of how to deal with the issue if a problem arises.

The Convener: We want the minister to keep us up to date, but we also want to highlight that point in our report, in the work that we do and in any recommendations that we make.

Marlyn Glen: Would there be time and opportunity for us to consider the Housing (Scotland) Bill and decide whether we can make any amendments or recommendations?

The Convener: We could ask to be a secondary committee, but the timescale is quite tight.

Marlyn Glen: That might be helpful in the light of this discussion.

The Convener: Yes—if we considered just that one area and did not get involved in the whole bill, which is what we tend to do.

Frances Curran: It is just one part of the bill.

The Convener: That might be possible. We could do that.

Marlyn Glen: That would be helpful.

Marilyn Livingstone: Frances Curran talked about licensing. It is important to get some sort of regulation to apply fairly right across the country. In evidence this morning we heard that the situation is patchy and that there is both good and bad practice. We should try to ensure that people get a fair deal. There is an issue with mobility, but

some sites are quite long term, so mobility should not be a factor. We could consider licensing, and perhaps examine the Housing (Scotland) Bill to ensure that there is fairness and equity for all.

12:45

The Convener: We could look at the Housing (Scotland) Bill with specific regard to mobile homes, but in our own review we want to revisit the whole issue. People should not be in the position that the situation is on-going and they are reporting the same problems.

Nora Radcliffe: Is there any scope for us to ask the power companies about establishing some kind of portable relationship? People can switch suppliers, but can an individual contract with a power provider and use power anywhere?

Marilyn Livingstone: You are right that people can change providers quite easily.

Nora Radcliffe: Can people change site but stay with the same provider? Have you looked into that already, Frances?

Frances Curran: The issue is that the infrastructure is owned by the site owner, whether it is a local authority or a landlord, and the resale of energy is a legitimate part of the market. The power companies would need to put in the infrastructure; it is the same situation as if housing were being built. Regulating the resale of energy by a middle person is the nub of the issue.

Shiona Baird: The discussion reminds me of the VAT element. Landlords buy in electricity at the commercial rate with 17.5 per cent VAT applied, but they are allowed to resell it only with 5 per cent applied—the domestic rate. We must ensure that that is happening, and that there is evidence that the 17.5 per cent rate is not being passed on. We need to investigate that.

As with anything to do with fuel poverty, energy efficiency is key. If we improve the energy efficiency of caravans and mobile homes, we will reduce electricity demand. We need to examine the energy efficiency standards that are applied in building caravans and mobile homes. What energy efficiency ratings do they have?

The Convener: There are a lot of issues around mobile homes and what is and is not up to date. I know that there is United Kingdom legislation, because I have dealt with a local issue in relation to that. I understand that the mobile homes part of the Housing (Scotland) Bill excludes Gypsy Travellers. We could investigate and find out why that is the case. We are happy that the minister is examining the issues, particularly access to power cards. We will want to be kept up to date with what is happening. That is going in the right direction.

Does that mean that we cannot examine the Housing (Scotland) Bill?

Steve Farrell (Clerk): We can investigate.

The Convener: We all feel that we need to examine that.

Ms White: The price that people pay for electricity on sites is important.

The Convener: There is the issue of power cards.

Ms White: People are paying more money on sites.

The Convener: We can write to the petitioners and to energywatch to recommend that they establish contact with each other. We can then examine how things progress. I am pleased that the Public Petitions Committee has taken the petition so far.

Shiona Baird: Could we write to Eaga, whose letter was dismissive? Could we find out what it could do to insulate caravans and mobile homes?

The Convener: We could do that. My understanding is that if the minister tells the Eaga Partnership what it could be doing, that is what it will do. The policy decision comes from the Executive, which is why I felt that it was important that the Executive agreed that that was an issue. The Eaga Partnership is contracted to provide a service. I am not saying that we should not write to the Eaga Partnership, but this is about political will and guidance, and about what has to be done to take the petition forward.

Nora Radcliffe: Can I clarify that we are writing to the minister to ask to be kept up to date on the matters that he is taking forward?

The Convener: Yes, and we will write to energywatch as well. We will consider issues to do with the Housing (Scotland) Bill and feed that back.

Frances Curran: Can we send that part of the bill to energywatch?

The Convener: We can answer its comments. Do members want to keep the petition open to keep those issues alive until we get some feedback?

Members indicated agreement.

Subordinate Legislation

Gender Recognition (Disclosure of Information) (Scotland) Order 2005 (SSI 2005/125)

12:51

The Convener: Item 5 is consideration of the Gender Recognition (Disclosure of Information) (Scotland) Order 2005. The purpose of the order is to provide for additional circumstances in which it will not be an offence to disclose certain information about a person's application for a gender recognition certificate or their gender prior to their being granted a full gender recognition certificate. I understand that the Equality Network is happy with the order. Is the committee happy?

Shiona Baird: I wondered why there needs to be disclosure of information on gender recognition for credit references, and for insolvency and bankruptcy. Why is it relevant?

The Convener: The issue is that they will not exist as a person—or as the prior person.

Shiona Baird: Sorry, can you say that again?

Nora Radcliffe: It is so that banks can track the identity of the person who owes them money.

The Convener: Their past identity ceases to exist.

Shiona Baird: Oh, I see.

The Convener: It is to ensure recognition.

Nora Radcliffe: It is to ensure that when someone becomes another person they do not leave their debts behind as well.

The Convener: I cannot imagine anybody changing their gender as an easy option. As I said, the Equality Network is happy with the order, so we can take it forward. Are we agreed?

Members indicated agreement.

Phil Gallie: We have before us a Council of Europe document on the European institute for gender equality. Is that for discussion at this meeting, or will it be on a future agenda?

The Convener: It is just for information. If it was for discussion, it would be on the agenda.

Are members happy for the clerks to report to the Parliament on the committee's decision on the gender recognition order?

Members indicated agreement.

12:53

Meeting continued in private until 13:05.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Wednesday 20 April 2005

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Astron Print Room.

Published in Edinburgh by Astron and available from:

Blackwell's Bookshop
53 South Bridge
Edinburgh EH1 1YS
0131 622 8222

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

RNID Typetalk calls welcome on
18001 0131 348 5412
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers

Printed in Scotland by Astron