

# **EQUAL OPPORTUNITIES COMMITTEE**

Tuesday 24 May 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 24 May 2005

Col.

SCOTTISH PARLIAMENT EQUALITY FRAMEWORK .....	925
GYPSY TRAVELLERS .....	941
MAINSTREAMING EQUALITY.....	972
DISABILITY INQUIRY .....	972

---

## EQUAL OPPORTUNITIES COMMITTEE

8<sup>th</sup> 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:

Assistant Chief Constable Allan Burnett (Association of Chief Police Officers in Scotland)  
Rosemary Everett (Scottish Parliament Access and Information Directorate)  
Dr Rafik Gardee (National Resource Centre for Ethnic Minority Health)  
Martha Kennedy (Gypsy/Traveller Community Development Project)  
Dr Gwynedd Lloyd (Scottish Traveller Education Programme)  
Ian Macnicol (Scottish Parliament Directorate of Resources and Governance)  
Mr Duncan McNeil MSP (Scottish Parliamentary Corporate Body)  
Dr Pauline Padfield (Scottish Traveller Education Programme)  
Levi Pay (Scottish Parliament Directorate of Resources and Governance)  
Dave Simmers (Traveller Education and Information Project (North East))  
Inspector Ian Taggart (Grampian Police)

### CLERK TO THE COMMITTEE

Steve Farrell

### SENIOR ASSISTANT CLERK

Zoé Tough

### ASSISTANT CLERK

Roy McMahon

### LOCATION

Committee Room 1



## Scottish Parliament

### Equal Opportunities Committee

*Tuesday 24 May 2005*

[THE CONVENER *opened the meeting at 10:06*]

### Scottish Parliament Equality Framework

**The Convener (Cathy Peattie):** Good morning and welcome to the Equal Opportunities Committee's eighth meeting in 2005. I remind all present to turn off their mobile phones. I have received apologies from Frances Curran, but I am pleased to welcome Carolyn Leckie, who is attending as a substitute.

Agenda item 1 concerns the Scottish Parliament equality framework. I welcome Duncan McNeil, from the Scottish Parliamentary Corporate Body; Levi Pay, the Parliament's equalities manager; Ian Macnicol, the head of personnel; and Rosemary Everett, the head of vision—sorry, visitor—and outreach services. Perhaps vision is a good idea. We have a tight schedule this morning, so we will go straight to questions.

I will start with issues to do with the Parliament building. The disability access consultants who assisted the design team in constructing the building were recently asked to carry out further assessment following the building's occupation. What was the outcome of that work and what is the timescale for action on the recommendations?

**Mr Duncan McNeil MSP (Scottish Parliamentary Corporate Body):** As you know, a lot of work has been done to make the building accessible and to ensure that people who come here have a good experience, irrespective of their needs. Until now, we have sought extensive feedback from people, which has generally been favourable. Other measures are planned, but Levi Pay will deal with the details.

**Levi Pay (Scottish Parliament Directorate of Resources and Governance):** We have received the snagging report from Buro Happold and we are considering it, although we have already actioned many of the points. As the equalities specialists in the organisation, we have had meetings with the heads of the various offices that are responsible for responding to points in the report. Rosemary Everett and Ian Macnicol know all too well that we have regular meetings with them to discuss the issues that the Buro Happold report raises. In some respects, the experience of people as they come through the doors and engage with us is more important than the

snagging report from the access consultants. Therefore, we are combining the information from the access consultants with the feedback that we receive directly from visitors and feedback that we receive through members from constituents, with the aim of compiling a more thorough report on the building.

We have already responded to feedback. For example, we are installing a payphone, increasing the lighting in the main hall in the public area and increasing signage throughout the complex. All those measures are being taken in response to feedback from visitors and Buro Happold.

**The Convener:** I assume that you will continue to monitor the feedback and react to it.

**Levi Pay:** In some senses the process will be on-going, because there will never be a stage when we can be so complacent as to say, "This building is completely accessible and there is nothing more we need to do in any respect." If we ever get to that stage it will be cause for concern. Because of changes in technology and visitor expectations, we need to keep the situation under review constantly to ensure that we deliver an accessible service.

**The Convener:** The committee is undertaking an inquiry into the barriers that face people with disabilities, and we have been up and down the country speaking to groups and individuals. One issue that has been highlighted is inadequate induction loop systems in many buildings. Indeed, we have had feedback from people who have visited this building, who felt that the sound system was inadequate. The report highlights the provision of induction loops and infrared systems in the building. What measures have been put in place to ensure that the systems are operational and properly maintained, to ensure that deaf people have full access to the Parliament? We have also heard that the people who test the systems are not hard of hearing, so they assume that the systems are working when we know that often they are not. We are interested in having the best possible experience for folk who come into the building.

**Mr McNeil:** It is important not only that the systems are in place, but that they work on the day. We need to encourage an exchange. As MSPs we need to ensure that when we invite people with particular needs—for example, people who are hard of hearing—into the building, the tests have been carried out. We should not wait until the day and cause disappointment and have to make changes.

We must deal with the 300,000 visitors who come to the Scottish Parliament. In the main, they respond well to their experience here, but you are right to say that we need to examine the quality of

that experience and determine whether it is spoiled by the fact that appropriate technology is not in place, and we are doing that. We are also considering how we can use technology to make tours accessible to people who are hard of hearing. We are considering various issues across the board, to ensure not only that the technology is in place, but that it works on the day. We have maintenance programmes and we are exchanging information. We are considering innovations to help people to experience a good day at the Parliament.

**The Convener:** That is good news. We look forward to positive feedback from people who are hard of hearing.

**Shiona Baird (North East Scotland) (Green):** Personal emergency evacuation plans have been rolled out for all visitors to the Parliament and staff. How well are they working?

**Mr McNeil:** We can give you details of our experience and of where the system has failed. The procedure for members of staff who might need help when evacuating the building is clear, and procedures are in place for organised visits. I flag up to MSPs that we have a responsibility to ensure that when we have visitors with needs, procedures are in place so that they can be assisted from the building if the need arises. It is not a big deal, but members should think about that and ask questions, so that when people with special needs come we have made contact and sought advice so that we know what happens if anything goes wrong. Levi Pay and Rosemary Everett have details on how the system has operated so far.

**Rosemary Everett (Scottish Parliament Access and Information Directorate):** The generic PEEP that we have in place for visitors seems to work fine. We tested it during live testing, before we moved into the building, and so far we have not had to test it for real—touch wood. As far as we are aware, it covers the vast majority of general visitors and it is fine.

**Levi Pay:** My one concern is that the name “personal emergency evacuation plan” sounds a lot more bureaucratic than it is. Put simply, when someone—whether a member of staff or an MSP—has a visitor coming to the building, they should ask them whether they have any access requirements. If they say that they do, they should have a brief discussion with them about how we can assist them, in the unlikely event that there is an evacuation. That is all. The PEEP is just a case of recording that. We might be able to do more work to ensure that everyone who uses the building is aware of their responsibilities and will carry out that work in future. However, as Rosemary said, we are confident that the generic

PEEP, which covers the vast majority of people who come into the building, meets requirements.

10:15

**Shiona Baird:** When we heard evidence last year, the idea of using mystery shoppers to assess parliamentary services was being actively considered. Will you update us on the present position in respect of that proposal, please?

**Mr McNeil:** There has been little progress on that idea. We have been struggling with the 300,000 visitors, but it is certainly on our agenda. The corporate body is examining the overall impact of visitors on the Parliament and, now that we are further into the process and people are coming every week, MSPs and staff members have views. The mystery shopper exercise is something that we need to use to ensure that the quality of the experience is good enough. It is okay getting the numbers through, but we need the mystery shopper exercise and other feedback to evaluate the experience. We are doing it on numbers but are we doing it on quality? Are we meeting the expectations of children, people with special needs, people who are hard of hearing, members of the public and tourists who visit the Parliament? The corporate body needs to evaluate the visitor experience, and the mystery shopper exercise would certainly play a part in that process.

**Levi Pay:** I do not know whether the committee was planning to ask about the disability equality scheme that we will have to produce to comply with the latest disability discrimination legislation, but complying with that legislation gives us an opportunity to revisit the way in which we collect feedback from people who come along to the Parliament building and make use of our services. In the legislation, there is a heavy emphasis on consultation with disabled people. Whether that feedback is sought through mystery shopper exercises or in other ways, the key is that the quality of the feedback must be sufficient to enable us to act on it and respond to it effectively. A mystery shopper exercise would certainly be a useful way of gathering some of that information, but it would need careful thought about how we manage it.

**Nora Radcliffe (Gordon) (LD):** It seems to me that the people who are in the front line and who are likely to get the most direct feedback are our uniformed security personnel throughout the building. Is there a formal mechanism in place to enable them to feed back or to be consulted on what they pick up about visitors' experiences?

**Mr McNeil:** I am not aware of any formal procedure.

**Rosemary Everett:** There is a more informal working relationship among all front-of-house staff. Contractors, people in facilities management and visitor services and the security staff have put a lot of effort into setting up those day-to-day relationships, so we share all the feedback that comes in from visitors. Obviously we are considering how we can develop formal feedback and evaluation mechanisms, so that we can capture information and report more formally, but at the moment that is done informally, and it works really well. We get a lot of comments, particularly from the security staff, because they are everywhere in the building.

**Nora Radcliffe:** I wondered whether there was a route for them to give feedback and, if there was, whether it was formal or informal. If it is working, that is fine.

**Carolyn Leckie (Central Scotland) (SSP):** I want to ask about the mystery shopper idea, because I have experienced that as a management tool in a number of different workplaces. As a trade unionist, I have resisted it, because mystery shoppers are perceived as agents provocateurs who are trying to catch people out. It strikes me that it would be much more useful to obtain direct information from the people who come into the Parliament. Questionnaires provide more realistic information than something that is constructed artificially. Perhaps it would be a good idea to have more formal discussion with people on the ground, such as the security staff, who are a mine of information. Anybody who talks to them about the situation for visitors will discover that they already have the knowledge. I imagine that there would be a cost associated with implementing a mystery shopper scheme and I do not see the need for one. The information is already there; it is just a question of how we go about collecting it.

**Ms Sandra White (Glasgow) (SNP):** If I have a group of people coming in, I phone down to the desk and tell them about any disabilities that the people might have. When visitors come in off the street or if they phone in, are they asked about disabilities? Is that information collated? As Carolyn Leckie said, if the information is there, it should be collated and passed over, instead of using mystery shoppers.

**Rosemary Everett:** At the moment we do not routinely ask everybody who calls in or inquires whether they have specific access requirements because we are dealing with such a high volume of inquiries. One of the issues that Levi Pay and I have been discussing is how we could do that regularly. If someone volunteers the information, we record it, but it does not currently get put into any sort of system. There is not a separate visitor figure for people with disabilities. Currently, the

information is just included in the overall scenario. Once we have worked out how the building works and the pattern of visitors that we will experience over the year, we will begin to introduce more sophisticated visitor management methods.

**Phil Gallie (South of Scotland) (Con):** On the induction loop system, in a committee room such as this where the sound system is up and running, everything is fine, but at many meetings elsewhere, such as group meetings and other events, the sound systems are not operational. My experience of the induction loop system is that it does not seem to work when the sound system is not there. Is that the case?

**Levi Pay:** An induction loop system or an infrared system requires a public address system to operate. There has to be a way of inputting what is said and relaying it through the loop or the infrared system. You are right.

One point that might be helpful is that we are looking to purchase a couple of portable loop systems, which could be moved around and taken off campus if meetings are held elsewhere. Those could be used in any part of the building. Essentially, the loop would be laid around the room and microphones would be set up on the table. That would assist anyone in the meeting who is a hearing aid user. Once we have those portable loop systems, members and staff throughout the Parliament will be able to book them and have them delivered to their meeting room.

**Phil Gallie:** Is there no possibility that there could be a switch-on system, at least in each of the committee rooms? That would be a major step forward.

**Mr McNeil:** The only problem with that is that the committee rooms are sometimes used for private sessions and are used by various groups. We would need to seek advice, but if there was a switch-on system, I suspect that other people could listen in to those meetings.

**Levi Pay:** If anyone needs the loop system switched on for a meeting that is not a pre-arranged committee meeting or something like that but is being held in a committee room or in the chamber, they can contact the broadcasting office to ensure that it is switched on. That is no problem.

**Phil Gallie:** I would like to take forward a number of issues, but not at the committee. Perhaps the matter could be considered for the future.

**Mr McNeil:** We would welcome the views of someone who relies on the system. By all means, feed that information back.

On mystery shoppers, I say to Carolyn Leckie that in certain cultures and certain organisations complaints are perceived to be very negative, but we encourage open communication so, when someone raises an issue, it does not usually end up in a negative situation.

Given the point that Carolyn Leckie has made, it might be appropriate and wise to examine the mystery shopper exercise and the other things that we had hoped to do and have a dialogue with members of staff. It is important that we communicate effectively with staff, through their representatives, to reassure them that the information that we get will not result in any disciplinary action or whatever. I take on board Carolyn Leckie's comments and it would be appropriate to take them into account before we finalise any review or report.

**Elaine Smith (Coatbridge and Chryston) (Lab):** On the theme of access for parents and carers of young children, I will ask about the crèche. I understand that it is the only visitors' crèche in a Parliament in Europe. Is that correct?

**Mr McNeil:** Yes.

**Elaine Smith:** We should note that fact and take pride in it. Is the crèche proving to be popular with visitors?

**Mr McNeil:** It is becoming increasingly popular. We are heartened by the fact that the figures for its use show an increase over the past three or four months. We recently answered some questions from Elaine Smith about the matter. We must not only address the headline about it being the only visitors' crèche in a Parliament in Europe; if we have the facilities, it is important that people are aware of them and that we encourage their use. Recently, we have increased the amount of information that is provided about the availability of the crèche. All the new publications highlight its availability.

There is an opportunity to target certain age groups to encourage them to come to the Parliament, using the crèche as bait, if you like, rather than just an add-on. We could actively seek mother and toddler groups and nursery groups and so on. I hope that MSPs will see wee initiatives in their local areas and will encourage groups to meet them at the Parliament by informing them that crèche facilities are available and that they can spend some quality time with their representative as well as visit the Parliament.

**Elaine Smith:** The committee feels that the crèche is important—however many people are using it, such a facility is needed in a modern Parliament building. Nevertheless, it is heartening to hear that the figures for its use are rising.

To go back to what Sandra White said about people being told on the phone what facilities are available, might you consider ensuring that the crèche is advocated as part of that? For instance, do witnesses to committees know that the facility is there? Is it in the literature that they receive? Will you carry out an official review and official monitoring of the service?

**Mr McNeil:** We promised that we would review the service approximately a year in. We take heart from the fact that the numbers are increasing and we fully take on board your point about making that information as widely available as possible.

**Levi Pay:** On Elaine Smith's point about committee witnesses, a new publication has been put together that all committee witnesses receive. It has in it information not only about the crèche but about a wide range of access issues, including the induction loop and infrared systems, PEEPs and so on.

**Ms White:** I think that Levi Pay has answered my question. I wanted to ask about public information and publications. The committee is pleased that the range of materials in other languages has been extended. Will access be extended further? You mentioned in your answer to Elaine Smith that people are given the publications when they inquire about visits to the Parliament. That is one way of publicising the leaflets and so on. Are there other ways of distributing the publicity material more widely? Will you produce more documentation?

**Mr McNeil:** Levi Pay can highlight areas in which we feel that we are doing well.

**Levi Pay:** This is one of the Parliament's biggest success stories in the past couple of years. Consideration of the information that we provide in a range of ethnic minority languages was one of the key action points arising from our race equality scheme. A couple of years ago, we produced nothing in languages other than English, Gaelic and a small range of tourist languages. Now we produce our three key public information leaflets in a range of up to 13 or 14 different languages. The feedback from that has been incredibly positive. It is important to consider not just the number of copies of each publication that we produce but the number of copies in the various languages that are requested, because that clearly indicates the demand for information about the Parliament in those languages.

If we consider one of our publications, "Making your voice heard in the Scottish Parliament", which has been one of the most well received, over the past year there have been more than 5,000 requests for copies of that leaflet in ethnic minority and tourist languages. That shows a significant



demand that we might not have been meeting before we started this successful initiative.

**Ms White:** It is good that you are producing more—public opinion will reflect that. You mentioned that if someone phones up in a specific language you will send them a publication in that particular language—I would hope so, anyway. How do you distribute that material without people phoning and asking for it? Is it distributed to all sorts of groups?

**Levi Pay:** We have a database of 300 ethnic minority community organisations throughout Scotland and we send them all copies of the publications along with an order form for further copies. We also send out copies to partner libraries, members' local offices and so on as a way of ensuring that we get them out there as much as possible.

10:30

**Ms White:** I have received copies of leaflets about interpretation at Parliament meetings and have distributed them in the constituencies.

My next question regards British Sign Language and interpretation. Is the corporate body convinced that the current arrangements for interpretation at meetings are adequate? What is being done to publicise the availability of the service? Also, a four-week sign language pilot project was undertaken during First Minister's question time last year and was to be reviewed in a year's time. Do you have a timescale for that review?

**Mr McNeil:** That is another important area and, as you rightly point out, there was a successful pilot for First Minister's question time. One question that arose from that is whether we should have signing at First Minister's question time, at question time or on request. We have also considered how we can maximise provision of that resource through new technology and television—using a wee box or whatever. That has proved difficult for the live sessions, but we might want to ask whether that could be provided for the parliamentary channel at the weekend, for instance, which would require our broadcasters to deal with others.

All those issues are being examined and we hope that we will have come to a conclusion in our report before the summer recess.

**Ms White:** I am really pleased that you think that BSL is important. In the Public Petitions Committee, some petitions have to be held back because we do not have an available signer. There is an obvious difficulty in training people in BSL, but I appreciate your answer and look forward to further reports.

You spoke about the review of the First Minister's question time pilot scheme. Do you have a timescale for that review? Did you say something about the summer?

**Mr McNeil:** Before the summer recess.

**Ms White:** Another issue in which the committee is interested is disabled access. From feedback, we have learned that disabled people pay a reduced fee of £1.75 for the guided tour of the Parliament. Are the tours fully accessible to disabled people and what has been the feedback from those tours? I have been informed by constituents that it is quite difficult for wheelchair users to access the Parliament, including the committee rooms, independently.

**Mr McNeil:** I do not know what specific feedback Rosemary Everett has had.

**Rosemary Everett:** Overall, the feedback on the guided tour service seems to be positive. The route is fully accessible. We have put in place special measures so that we can respond quickly and easily. For example, we have additional guides on hand to escort people, because on one part of the route we need to split the party up to use a lift if someone is in a wheelchair, for example.

The only negative feedback in relation to disability is the point on which we have touched already about people who are hard of hearing. There is a possibility of introducing portable induction loops to make the tours more accessible. The issue is on-going and we still have work to do to ensure that people feel encouraged and able to visit the Parliament. We have many systems in place and many staff who are well trained to deal with visitors. The next step is to ensure that the message gets across that the Parliament is open, accessible and welcoming to everybody.

**Ms White:** Do you—

**The Convener:** We need to move on to other questions now, Sandra. We might need to seek answers to some other questions in writing.

**Marlyn Glen (North East Scotland) (Lab):** I turn to staffing. The committee welcomes the obvious commitment of the Scottish Parliamentary Corporate Body to equalities issues and notes the strengthening of the equalities team with the addition of an equalities adviser. What plans does the SPCB have to further develop that office?

**Mr McNeil:** This is an opportunity to put on record that Levi Pay is leaving us. I am sure that we are grateful for all the work that he has done over the past couple of years in developing positively many of the policies that we have discussed today. Levi and his team can take pride in those policies, which have established best practice throughout Scotland—many other

organisations are contacting us for help with equalities issues.

I have every reason to believe that we will continue to take equalities seriously. I expect that after Levi Pay goes we will bring the number in the team back up to three. Is it three?

**Ian Macnicol (Scottish Parliament Directorate of Resources and Governance):** Two.

**Mr McNeil:** There you are: I increased it by one. There might be a change of focus, given that what we have done in the past couple of years has been to do with policy. We might need now to focus on how the policies are bedding in.

**Levi Pay:** I have always been clear that it is important for an organisation not simply to build up an ever-increasing team of equalities specialists. The vital point is that those people put in place the strategies that are necessary to ensure that the whole organisation takes account of equalities. From that point of view, we have been a big success story in getting other bodies to take account of equalities issues. That is the work on which we need to focus in the future, which we will do.

**Marlyn Glen:** Thank you—we look forward to hearing about developments. I know that the committee appreciates the work that Levi Pay has done so far.

The Scottish Parliament published its work-life balance policy in June last year, which highlights good examples of the policy having been put into practice. What evidence is there that those approaches are being adopted in more directorates? Are the initiatives that have been taken up been promoted as options elsewhere in Parliament?

**Mr McNeil:** The short answer to that is yes. Ian Macnicol can fill you in on the detail of the staff who are taking advantage of those opportunities.

**Ian Macnicol:** There is no doubt that the work-life balance policy is working well. There has been absolutely no negative feedback on it; indeed many positive remarks are being made about it. In the past 12 months we have had 22 applications for changes to working patterns, all of which have been accepted. That in itself shows that we have made a huge success of the policy, given where we started in 1999. There is natural resistance to change; if one starts off with eight full-time members of staff and one of them wants to go part-time, one thinks "Oh, hang." I remember having such conversations in 1999, but we do not have them any more. We have educated our managers and workforce to adapt. The flexibility that we have built into the way we work with the flexible working arrangements, which we are extending in the near future, shows that we are

prepared to come and go with our staff. We get payback from that, because our staff like us.

**Marlyn Glen:** From my point of view, it is good to hear that. It concerns me when committees—not necessarily this one—run on well past the expected three hours and the official reporters and clerks are still sitting there. I realise that flexible hours are built in, but it concerns me when we run over into lunch time. I presume that that is taken into consideration with the flexi hours that you make available.

**Ian Macnicol:** It is. The staff work a set number of hours per year and they manage their time to suit Parliament's business. Naturally, they work fairly intensively for three days a week and can have a later start on a Monday or Friday. The system is not prescriptive; there is negotiation between individuals and their managers. They come and go and it really works—it is flexible working in its real sense and we are considering extending the arrangements. Staff work within a particular bandwidth during the working day. Quite a lot of staff work compressed hours and it is more difficult for them to make up time within the existing bandwidths. We are working with staff and trade unions to extend the bandwidths simply to accommodate that rather small group of staff. We are taking their concerns seriously.

When we instituted our work-life balance policy, we involved between 10 and 20 per cent of staff in its development and a large percentage of staff were involved at grass-roots level. They had input to the development of the policy and they will be involved in its review. There is wide ownership of our work and we have extremely good employee relations. I think anyone would tell you that. The policy is definitely a success story.

**Marlyn Glen:** The report highlights the SPCB's participation in the Capability Scotland back-to-work scheme and the successful outcome of that participation. What is being done to provide staff with more opportunities to participate in such schemes?

**Ian Macnicol:** As you would imagine, we approach such issues case by case and we have had a number of successes. I will not pretend that we are doing a huge amount in that area, but when a situation arises, we use all the resources that are at our disposal to ensure that people get back to work.

We have also run one or two pilots that involve taking on people on placements through other agencies. We have supported them through to full mental health recovery or in managing their disabilities. At least one person has managed to secure a full-time job with us. We do our best.

**Marilyn Livingstone (Kirkcaldy) (Lab):** Rightly, the SPCB has placed considerable emphasis on

equalities training. Are you content that training in equal opportunities is sufficient for staff to provide a high standard of service?

**Ian Macnicol:** Yes, but there is only so much training we can provide. The real issue is attitudes and how people work with their colleagues and the public. At the heart of our approach is one of the policies that Levi Pay carefully crafted for us: our dignity at work policy. That is more than just a policy—it must be lived and breathed. We have a successful operation because people take dignity at work seriously. They know that managers will take their concerns and complaints seriously and that monitoring is in place to ensure that people behave themselves.

It is about more than training. Training is the front-of-house element, which involves introducing people to the policy and telling them how we expect them to behave. It is important that we breathe life into the policy and to roll out its tenets in other ways. For example, our performance management system lists certain behaviours that we expect to see displayed. The system is monitored day to day by line managers. I am satisfied that the training that we provide is perfectly adequate for our purposes, but what we are doing goes beyond training.

**Levi Pay:** Three years ago, when I started working in the Parliament, one of the first things I did was go out to other organisations to find out what training they had for staff. We have reached the stage at which organisations in all sectors and of all sizes are now starting to come to us to find out about the success stories that we have had in training.

I could make the same point about training as was made about accessibility of the building. We will never be able to say that staff in the organisation have all the training that they need. As Ian Macnicol mentioned, we are in the process of rolling out dignity at work training, which focuses particularly on bullying and harassment issues. All organisations need to get to grips more with such issues.

We are now at the fortunate stage of being able to look beyond the corporate roll-out of equalities training and to consider specific needs; for example, there may be a need for information technology staff to focus more on IT and accessibility issues in their training, or we may want to provide more specific training to our front-line staff. We can now start to focus on such issues more than we have to date, although our corporate programme of equalities training has been very successful.

**Marilyn Livingstone:** I am encouraged by those answers. You spoke about training for front-line staff, which is important because front-line staff

are people's first point of contact. However, members' staff—here and in constituency offices—are very much in the front line and many are assisting with tours and so on. What is the balance between the training that is offered to front-line SPCB staff and that which is offered to members' staff?

**Mr McNeil:** At their induction, MSPs' staff spend some time on equal opportunities issues. The problem is that the legal responsibility for training members' staff lies with MSPs. We try to raise MSPs' awareness of their legal obligations and of the fact that they need to deal with equal opportunities issues and the associated legislation. Obviously, MSPs have a responsibility to train their staff. At SPCB level, awareness of issues is raised during induction.

10:45

**Elaine Smith:** Why does it have to be the case that, legally, the onus is on MSPs to train their staff? The other people who we have been discussing are also MSPs' staff because they work for Parliament, which is made up of the members, who select people to serve on the SPCB on our behalf. Why do we have a two-tier system of staffing?

**Mr McNeil:** There is a debate that goes on about that. However, the issue is not one that is simply technical or philosophical; it is contractual. MSPs' employees are employed directly by an MSP or a group of MSPs and contractual obligations flow from that arrangement.

In the next couple of weeks, we will offer induction training to new members of MSPs' staff, which will include a session on equal opportunities that will inform them of the information that the SPCB can provide them with if they have a question and so on. However, the turnout for such sessions is pathetically low and the service might need to be pulled. That raises another question about access. Even if we were providing training for MSPs' staff as part of our corporate role, we would have to work out how that would be delivered, given that not everyone works in Edinburgh. As we know, there is a virtual Parliament all over Scotland.

**Carolyn Leckie:** I am sure that Duncan McNeil is aware that the trade unions have made representations in an attempt to ensure that there is fairness and equality for people who work under the same roof. If you were implementing an equalities strategy, you would hope that everyone would have fair and equal coverage.

I concur fully with what Elaine Smith is saying about MSPs' staff, but I would like to ask about another issue. How does the SPCB ensure that organisations with whom you have contracts—for

example, Sodexo—fully implement proper equalities strategies? How does Sodexo's equality at work policy measure up? Does the contract that you have with Sodexo allow you to ensure that its staff have the same rights and access to provisions under an equalities strategy as staff who are directly employed by Parliament?

**Mr McNeil:** There are two people who are anxious to come in on the detail of that question, so I will allow them to do so.

**Ian Macnicol:** I do not think that we could ever have exactly the same approach for each of the groups of people who work in Parliament because they all have different employers with different needs. That said, when we enter into contracts, we place on the contractor a requirement to observe a standard on equality—essentially, we expect them to observe all the headline provisions in our equality framework. We do not police that to any great extent, but we work closely with the contractors as part of a bigger set-up.

Mystery shoppers were mentioned earlier. I think that, to an extent, we are all mystery shoppers in that whenever we see something that is not right, we feed our concerns into the process. MSPs certainly raise such issues with me when we are chatting and I feed those concerns into the appropriate office. In the same way, if we thought that any contractors were not observing their obligations under the equalities clause in the contract, we would raise that with the procurement office, which would raise it with the contractor. We make an effort on that score.

**Carolyn Leckie:** But you do not formally monitor the situation.

**Ian Macnicol:** Not as far as I am aware. I can check that and get back to you.

**Levi Pay:** This is another area in which we are an example of best practice. One of the initiatives that we have rolled out over the past couple of years is an equalities in procurement initiative, which considers how we can build equalities issues into all contracting across the organisation. We are fully aware that, if a member of the public comes in through our doors and engages with a member of a contractor's staff, they will not distinguish between that person and a member of staff who is employed directly by Parliament or by a member. That is why we have to ensure that everyone across the board takes account of equalities issues. We have a checklist system that is used for every contract to ensure that appropriate measures in relation to equalities training and monitoring are built into every contract. That has worked well, to the extent that it was highlighted in a recent Commission for Racial Equality publication on public procurement.

It is essential that we take equalities issues on board and that we continue to raise issues of

concern with contractors as and when they arise, in order to ensure that the services that they deliver and the work that their staff do in conjunction with our staff is not only accessible but takes full account of the need to avoid all forms of harassment and discrimination.

**The Convener:** We still have many questions, particularly around that last topic, but we must stop now as we have other business to attend to.

I take this opportunity to wish Levi Pay good luck for the future. He has had a good working relationship with this committee over the years and has done a tremendous amount to change attitudes in the Parliament.

10:51

*Meeting suspended.*

10:59

*On resuming—*

## Gypsy Travellers

**The Convener:** Agenda item 2 is our second evidence session in our review of progress on Gypsy Travellers. I welcome Dr Gwynedd Lloyd and Dr Pauline Padfield from the Scottish Traveller education programme; Dr Rafik Gardee and Martha Kennedy from the National Resource Centre for Ethnic Minority Health; and Dave Simmers from the Traveller Education and Information Project (North East). We have a lot of work to get through, so we will go straight to questions. I thank the witnesses for their written submissions, which have helped the committee to think about some of the issues and which will be fed into our report.

**Martha Kennedy (Gypsy/Traveller Community Development Project):** Can I correct something? I am actually from the Gypsy/Traveller Community Development Project in Maryhill.

**Dr Rafik Gardee (National Resource Centre for Ethnic Minority Health):** That project is an important programme with which we work closely. The success of our work is dependent on the community's support and help.

**The Convener:** Clearly, the community development project is vital. We will ensure that the information is correct in the *Official Report*.

The Scottish Traveller education programme's research suggests a poor uptake of the guidance on inclusive approaches to Gypsy Travellers in the context of interrupted learning, even though every school in Scotland was posted a copy of that guidance. Have you identified the reasons for that? What should be done to encourage more use of the guidance?

**Dr Gwynedd Lloyd (Scottish Traveller Education Programme):** Schools get stacks of guidance, all of which is equally important. The key issue is not so much why the guidance has not been taken up, but what can be done to encourage schools to take it up more effectively. The important issue is the extent to which the use of the guidance and its impact on practice in schools are monitored. Her Majesty's Inspectorate of Education has recently published a document that relates to "How good is our school?" called "Taking a closer look at: Inclusion and Equality—meeting the needs of Gypsies and Travellers", which means that, when inspections take place, HMIE will look for evidence that schools are responding to the guidance and to issues to do with Gypsies and Travellers. That is a positive step.

**The Convener:** Yes, because if HMIE takes the issues into account, schools will have to follow the guidance.

**Martha Kennedy:** In the area where I am a family support worker, the local primary school that Gypsy Travellers go to is to be closed down. I have written to the director of education to state that those primary-age kids will be withdrawn from primary education. The council proposes an on-site facility, which is all good and well—half of the Travellers will probably want that, but the rest will not. That proposal is social exclusion, not inclusion. I know that money is going into super-schools and that they are popping up all over, but they are aimed at a certain group of people. Primary education is really important.

**The Convener:** In some cases, it is the only education that children receive.

**Martha Kennedy:** Exactly.

**Ms White:** Has the local authority said whether it will make travel arrangements for kids who have to go to another school when the existing one closes down?

**Martha Kennedy:** The new plan has not been finalised. As soon as it is, the director of education will give us the details. However, the plan has just been flung together. There is a long history of Gypsy Travellers using the school, but they will not go to the super-school. Therefore, some provision will have to be made. Generally, trying to get on-site provision is like getting blood out of a stone, but the council is now saying, "Here, take an on-site facility and educate yourself." That is exclusion, not inclusion.

**The Convener:** The Scottish Traveller education programme's research shows that local authorities could try harder to ensure that transport arrangements between sites and local authority schools are in place. Does that reflect the local authorities' lack of understanding of the requirements or are there other reasons, such as funding? That relates to the issue that Martha Kennedy raised about local authorities perhaps not understanding the implications of their decisions in relation to Gypsy Traveller families and communities.

**Martha Kennedy:** To give another example from my area, a new transit site is proposed on a landfill site. The transport issue will arise again. The piece of paper says that there has been consultation, but there has been none. We have virtually been told that it is that site or no site. What consultation is that?

**The Convener:** So the council said, "Take it or leave it" and there was no consultation. That perhaps reflects a lack of understanding of the needs of the communities.

**Dr Pauline Padfield (Scottish Traveller Education Programme):** Martha Kennedy's point is profoundly important. In documents that describe the conditions on sites, I often read about roads that people will not take transport down, and which taxi drivers will not go down, because they are in such a poor state. Also, where transport arrangements are put in place but the family moves, or where transport arrangements are not needed for a while because there are no children, there is difficulty with the need constantly to revisit the problem and ensure that transport arrangements are set up.

Earlier, Levi Pay said that nothing is done for ever so we must keep monitoring the position and asking questions. The problem with transport is profoundly affected by the issues that Martha Kennedy talked about, but it is also about somebody picking up the phone and making the arrangements. If the arrangements fall down, that person must find out why that happened and remember to make the arrangements again.

**Dr Lloyd:** Local authorities tend to think that transport is about distance, but for many Traveller parents it is about safety. It is about their kids being safe when they go to school.

**Shiona Baird:** My questions are directed to the Scottish Traveller education programme. In your report, you express strong concerns about the lack of testing and attainment of Gypsy Traveller pupils in national examinations. You state that

"Data were checked and re-checked with disbelief in their veracity"

and you point out that schools provided no comment or explanation for the lack of testing and attainment. What are the reasons for that and how should it be tackled?

**Dr Padfield:** Do you mean the reasons for the lack of testing or the reasons for the lack of comment?

**Shiona Baird:** Both.

**Dr Padfield:** A reason for the lack of comment might be that the schools were asked a considerable number of questions in the questionnaire.

It is easy for someone who is not a teacher to wonder why the lack of testing is not addressed, but when one begins to ask questions one realises that, these days, testing is a process rather than something that teachers sit down and do. If children come into or leave the process at the wrong time, or if they arrive at a school that has already carried out the process, they will miss the opportunity. Schools organise their testing arrangements to cope with the mass of children rather than with individuals. It may well be that schools have to address the matter, but it seems

to fall through the crack. Testing is not done in the way that non-teachers think. They think that pupils sit down on day 1 at 10 o'clock, do the test and hand it in, but testing involves a process of preparation as well as the pupil sitting down and doing a piece of work.

There is a lovely book called "Yellow on the Broom" and I have been told that the reason why Gypsy Traveller children miss testing opportunities is that they move off when the yellow is on the broom, which is often when testing is done. There is a combination of factors.

**Dr Lloyd:** I am not sure that the word "testing" is useful in the context. Our research evaluates what the Executive asked us to evaluate, but there is a much wider question about the lack of educational achievement of Gypsy Travellers and the difficulties that schools face in assessing where pupils are and providing them with appropriate learning opportunities when they arrive in a school. We still hear stories about children being given things to colour in.

There is a related point, which the Executive needs to consider more clearly, about how information can be passed from school to school with Gypsy Travellers who are mobile, so that when somebody arrives in a school they have a hand-held record of where they are and they can slot straight into learning.

The two issues that still need to be addressed are how children's attendance at school can be recorded and how information can be passed from school to school so that their educational achievement is continuous rather than patchy.

**Martha Kennedy:** We have an adult education co-ordinator who fills out a learning plan when a child is in the area. She is not supposed to work with the child because she is concerned with family literacy, but she completes a work plan to see where the child is in their schooling and the learning plan is available for the child to take to their next school.

**The Convener:** Please could you give us some information on that? That would be helpful to the committee.

**Martha Kennedy:** Okay.

**Shiona Baird:** In the report that STEP has produced, you stress the need for more effective partnership working—you have just alluded to that—and the need to broaden that out between other agencies such as housing and health and the Gypsy Traveller families to deliver against the committee's recommendation for education. Why is that partnership working currently lacking, and what should be done to achieve it?

**Dr Lloyd:** Every committee in the Parliament is probably addressing the question of joined-up

working and how difficult it is. It is about political will within the councils. Our report shows that some councils are much further ahead than others in that practice, and that some local areas are further ahead than others.

**Dr Gardee:** Joined-up working is fundamental to the whole exercise. Health service reforms—especially the development of community health care partnerships as single structures—mean that local authorities are now part and parcel of the wider context of decision making at health board level and at community partnership level. That allows us the opportunity to work in an integrated setting. It is not a new way of life, but it is important.

Fundamental to the system is the community planning that has been put into it. That says that it is integral to get communities involved in prioritising the services, and so on, and it bodes well that those who represent the communities will play a part in that process. I have a feeling that some of the structures are coming into place that will give us the opportunity to work together; however, how we take that opportunity is dependent on the authorities and the health care services.

**Dr Lloyd:** It is also important that people in education understand that there is no point in considering education on its own, as it is tied up with accommodation and health, which need to be considered together.

**Martha Kennedy:** As a family support worker, I have been invited to attend meetings of the school board of the school that we are trying to save, but nobody will invite the parents of the Gypsy Traveller children. They will invite a project and a representative, but they will not invite the parents. Until they start to get the parents involved, it is “us against you”.

**The Convener:** That is a suspicion around education as well.

**Dr Gardee:** Several years ago, we produced the important “Fair for all” report, which examined the disadvantages of the various marginalised communities, and Gypsy Travellers were part of the whole exercise. Out of that came an important document from the Scottish Executive—a Health Department letter that suggested what was expected generally of care services. Only when such documents can be translated into practical processes will the system work, and it is important that that is done jointly with the communities at large.

**Dr Padfield:** All these things are important. On the ground, where it seemed to work was where people had good relationships with those people in other areas of their local authorities. For example, health visitors would see a family camped and

would phone the education workers—the Traveller teachers—or the site managers would phone up the school to say that they had a new family on their site. If something does not happen at that profound level, nothing happens. Travellers ask for assistance, but their requests fall on deaf ears.

11:15

**Shiona Baird:** That point is important. We often concentrate on where things are not working well, so it is good to hear about where things can work well. Do you have any specific examples of that? Do you feel that we have made progress over the past four years? If so, in what areas?

**Dr Lloyd:** I think that substantial progress has been made, but you are talking about progress in relation to a really huge issue—centuries of prejudice and discrimination. A little chip has been made in that. It is wonderful that the Scottish Parliament is pursuing this inquiry. The more that public figures in Scotland affirm their association with the idea that Traveller culture is part of Scottish society, the better things will be.

In education, some things have improved. In some council areas, there are good, sound teams of people who work with schools and Gypsy Travellers; in other areas, there are not. The Education (Additional Support for Learning) (Scotland) Act 2004, which should come into force in the autumn, has a much broader idea of the reasons why people might need support for learning. It does not imply any deficit and it is clearly going to include, as people who are entitled to support for learning, those whose education has been interrupted. There are big possibilities for people to push for more educational support for Gypsy Traveller children in Scottish schools through that legislation, and that will, I hope, make a big difference.

**Martha Kennedy:** Our project has a scheme running in South Lanarkshire that is an alternative to school for teenagers. That is normally unheard of, because Gypsy Traveller children of secondary school age do not normally go to school. The group runs twice a week and covers what is appropriate for the kids who go to it, not what is generally taught in the high schools or secondary schools. They have made a DVD for training purposes, which we are going to use for the awareness-raising training that we do.

**Dr Lloyd:** STEP has produced some short case studies, including one of that project, which might be of interest to you. There is good practice. Also, the Scottish Executive is funding, through STEP, the development of blended—including online—learning opportunities for young people who want to participate in education but who do not necessarily want, or who find it difficult, to be in school.

**The Convener:** Yes, we would be interested in those case studies. Thank you.

**Dr Padfield:** Teachers told us that they thought that the South Lanarkshire universal connections programme was wonderful. They enjoyed working with the children, but they pointed out that there were children in the high school who were not Gypsies and Travellers but who would benefit from that kind of provision. Addressing the needs of Gypsy Traveller children there has demonstrated that there are other children who have similar needs, although not for the same reasons.

**Dave Simmers (Traveller Education and Information Project (North East)):** It is important that the Executive sets the policy agenda and resources such projects, as local authorities can have various policy commitments. The three local authorities in the north-east, where I work, all have good equalities policies and Traveller action plans; however, in reality, it is left to individual officers who have a sympathetic position to make things happen. As long as we leave the organisation of such things at the local level, nimbyism will prevail.

In education, we have good examples in Moray, Aberdeenshire and Aberdeen of joint working between ourselves, as a voluntary organisation, and the local authority. That is very much about the individual officers who have a commitment and concern to make things happen. Unless we resource projects from the centre, in a ring-fenced way, we will see no development.

The other point that I want to make is that, until we resolve the accommodation issue, education and health will continue to be major difficulties. At the moment, Travellers have, by and large, not got safe and secure places to stay that they can call home.

**The Convener:** We will talk a bit more about that in a few minutes.

**Ms White:** I want to pick up on education, outsourced learning and Gypsy Traveller children learning where they live, rather than having to go to school. We have heard conflicting responses on that. The STEP report to the 2001 Equal Opportunities Committee mentioned outreach working, and you bring it up again in your latest report. Are we letting these kids down? Is there more work to be done and is it coming on? Has there been any improvement? I also open that question to Martha Kennedy. If the replacement provision for the local schools in Glasgow that have been closed lacks any back-up, does that produce a conflict?

**Dr Lloyd:** There is probably evidence of some improvement, but education is still a huge issue. We argue that it must be approached from two related points of view.

First, we need to make schools safe and appropriate places for Scottish Gypsy Travellers. In other words, they must be places that Travellers want to attend. In every piece of research and in every conversation that we have with parents and children, people say that racial harassment and bullying is still an issue in the playgrounds and corridors of Scottish schools. Bullying is an issue for many children, but it is a particularly strong issue for Traveller children. We need to make schools safe places that Travellers will want to attend.

Secondly, we need to look at the curriculum. As Pauline Padfield said, young Travellers and many other young people do not see the curriculum as relevant to their way of life. Perhaps the curriculum for excellence that is developing in Scottish schools will offer broader opportunities for people to do more varied things. Of course, some Travellers succeed at secondary school, so we do not want to exclude them from participating in school education. As well as making schools safer, we need to make them more relevant.

At the same time, we recognise that Travellers who are mobile, those who are anxious about schooling and those who do not see school as relevant are entitled to education outwith school. That must be high-quality education rather than a cheap alternative. I agree with Dave Simmers that a well-funded national system is required.

**The Convener:** I see that Phil Gallie wants to ask a question, but we will first hear Martha Kennedy's response to Sandra White.

**Martha Kennedy:** I do not know how to answer Sandra White's question. My project covers six council areas and we get a good response in some areas and dreadful responses, including the phone being hung up on us, in others. In some areas, our Gypsy Traveller tutors are able to go on site to help the kids. We generally use driving theory tests as a carrot to bring people out of the woodwork. As everyone wants to get a driving licence, we can get people on board in that way and that can lead to other things. Much depends on the individual council and some councils are really good. In my area, the site is visited by a computer bus, which allows people to get IT skills and welcomes parents and their wee ones. However, other areas have nothing.

**Phil Gallie:** This question might seem slightly aggressive, but I assure you that I just want to get these issues on the record.

Given that the problem that Martha Kennedy identified also affects rural schools, communities other than the Traveller community are also feeling the pinch. Similarly, bullying in schools cuts across every sector of society. At the start of our committee's review, we met some young people



from the Traveller community. The girls in particular went to secondary school and they seemed to be well-adjusted. They seemed to be doing very well indeed. Therefore, I must ask, given that it is compulsory for children in this country to go to school—

**Dr Padfield:** It is not compulsory to go to school.

**Phil Gallie:** It is compulsory for them to receive an education. In the wider community, if children do not go to school, it is usually left to the parents to provide that education. Why should special arrangements be made for Travellers?

**Martha Kennedy:** No special arrangements are made for Travellers. Everybody is entitled to home education. If people are being bullied in school—whether that is because they are black or Chinese or whatever—they have recourse to home education.

Gypsy Travellers can still be refused service in a pub. Some people in my area cannot get a taxi. For any other community, that would not be allowed. I am the only person here who does not exist because I do not fit into that wee box. We do not ask for special treatment, but for the same as what everybody else gets. People might say that we have access to the same swimming pools, libraries and so on, but who would let their bairn go to the library if she was going to get beaten up every time that she went there? That is why people do not use the facilities.

**Dr Lloyd:** The fact that bullying exists throughout the sector is irrelevant—it is unacceptable for any child. In this context we are talking about Gypsy Travellers. One of the stunning things about the evidence on what happens to Gypsy Traveller kids in schools is that every single one of them talks about racial harassment. Many Gypsy Traveller children are successful in school, but quite a number of them are successful because they conceal their identity; they feel that they will be safe in school if they do that. A whole community is subject to bullying. We cannot dismiss that just because other groups are also bullied.

**Dr Padfield:** People still think that it is acceptable to make racist jokes about Gypsies and Travellers. I have worked in this area for only five years, but I have experienced violent responses from people when I have said what I do. I research education for Gypsies and Travellers. I have been astonished by people's responses. Now I take a minute to decide how I will answer people's questions. If I experience that kind of abuse—and I am not a Gypsy Traveller but working at the university—Lord knows what it must be like to be a Gypsy Traveller.

**Martha Kennedy:** Sometimes we drop "Gypsy Traveller" depending on who we are talking to,

because we know that if we use it we will get no response, whereas if we say that we are the community development project, we could be any community development project. We do not do that under false pretences; we just do not tell them about the Gypsy Traveller part.

**Dr Gardee:** It is common to find in health, education and social work that Gypsy Travellers are the most marginalised community. The community's distinct identity needs to be recognised. In Northern Ireland and Ireland, they are accepted as a distinct community. If they were accepted as such here, we might be able to support their requirements under the Race Relations (Amendment) Act 2000, which is a strong driver, irrespective of colour, creed, religion, background or the community people come from. It might be helpful if that right was properly recognised.

**The Convener:** We agree. We need to move that forward.

**Dave Simmers:** The Race Relations (Amendment) Act 2000 has been key in making public authorities fulfil their duties. The problem is that individual members and officers are not necessarily signed up to it and still make unhelpful public statements.

Mr Gallie referred to the legal requirement for education. Gypsy Travellers are our own indigenous ethnic minority and, if we are serious about providing services such as health and education in our multicultural and ethnically-diverse society, we must come up with strategies and approaches that respect and engage with the cultures of communities. Education is a difficult issue; if we are serious about engaging with all our communities, we need to have different strategies and approaches.

**Ms White:** To summarise, the STEP report said that there were more ways of educating children than just school. The answer I was given was that that was fine, but that it was about choice. If the children are able and want to go to school, they can do that. If they want to be taught outwith school, moneys should be made available, and that should be Executive led, not local authority led, because provision is not localised. People should have the choice to access such a service.

**Dr Lloyd:** Most people, and many Travellers, would say that the best answer is that, in principle, children should have flexible access to schooling. Younger children are often taught outwith school because of the inadequacies of the education system but, in the long run, we would want education in school for primary-age children to be the appropriate response. There is more of an issue about choice for older children.

**Ms White:** That was the point. The report said that there should be more outreach work, but if

choice is available there must be money to back it up.

11:30

**Dr Padfield:** The choice is to keep their options open. It is not a choice to stay out or stay in. The choice has to be about what people need to access learning. If a young Traveller decides that they want to be a lawyer, and if they know that they will need O-grades and highers, that may well be sufficient to get them to go forward. However, they might get those O-grades and highers other than in school and still manage to become a lawyer. It is not about making being in a school building the only way for people to get to do whatever they want to do, whether that is roofing or being a lawyer.

**Dr Lloyd:** It is also about seeing education as being wider than schooling. Some children may go to school part time or may be educated in other settings. In South Lanarkshire, for example, they are learning together in a provision that is supported by the education authority. A diversity of provision is what we need.

**Carolyn Leckie:** I am sure that Phil Gallie has succeeded in being provocative and I would like to move the discussion on beyond that basic analysis because I think that everybody here, apart from Phil, accepts where you are coming from and what your aims are.

I would like to return to a couple of points that you made earlier about landfill, and to the points that you made in your written evidence about the lack of central direction and resourcing to enforce recommendations. It seems that although they may agree with you on paper, when it comes to action people do not implement the recommendations. You cited the example of Gypsy Travellers being allocated landfill sites, which I feel is absolutely abhorrent; no local authority should be able to do that. Do you have any ideas about what would be necessary to make that kind of situation impossible? Would it require further legislation? Could the Race Relations (Amendment) Act 2000 help to put a burden on local authorities such that they do not make such grotesque decisions about where people should live? Is there anything more that needs to be done specifically in relation to that?

**Dave Simmers:** I have worked in a concerted way with Gypsy Travellers for more than 10 years. In fact, I have worked with Gypsy Travellers for 30 years, because when I started out as a community worker I worked with many Travellers, but in my consciousness I did not see them as Travellers. There are many more Travellers than we appreciate and their numbers are much higher than the Executive's current calculations.

That question gives me an opportunity to raise the key thing that I think we need to do and which some authorities are now considering. We need to establish a network of what I call transit sites, which would be informal, low-key stopping places that have a hard standing and basic facilities for rubbish, sanitation and water supply. My view, based on 10 years' experience, is that most Travellers want that. Authorities such as Aberdeenshire Council, Moray Council and Fife Council are considering that. That is the key way of doing things. Let us move away from the official sites, because they have not all been entirely successful, although they have worked in some places. We need a different approach to accommodation for Travellers.

The other thing that we could do, of course, is to lift all the boulders that we have put down to stop Travellers accessing their traditional stopping places. We have forced them into higher-profile locations, which has increased the tension between the settled community and Travellers. Let us lift the boulders and let us have those informal sites and leave Travellers be.

**Dr Lloyd:** That point reminded me of something that I wanted to say. The Executive monitors the use of sites by what it calls the annual count. We have to stop calling it a count; it sounds like something out of colonial Africa where we counted the natives.

**Dr Gardee:** I return to central funding, which I think is important. There have been some successes, and where there has been central funding, particularly from the Scottish Executive Health Department, we have been immensely successful. If members have any questions on that, I would be happy to give you a broad outline.

**Marilyn Livingstone:** Dave Simmers mentions transit sites in his submission. If transit sites represent a solution, why are they still being blocked? Why is there so much resistance to the idea?

**Dave Simmers:** A variety of factors are involved, one of which is identification of suitable places, which is quite difficult in the context of urbanisation and the build-up of roads. Our project works actively with Aberdeenshire Council and we spent a couple of days driving around and identifying locations, which we are testing. Space is a difficulty, as is nimbysm. The committee will appreciate that politicians always have an eye on the electorate; I can count on the fingers of one hand the local politicians in Grampian who have come out in favour of Travellers in any way. Even people whom I know are sympathetic to Travellers take a populist position when they speak publicly, which is most unhelpful. The political implications and the availability of land are problems and there

is still not the clear political will at national level that could provide a steer.

**Elaine Smith:** In your submission you express concern about

“the capacity of the media to run what are tantamount to campaigns against an ethnic minority which fuels, at least, racial tension and, at worst, violence.”

Does media coverage have a significant impact in relation to the attitudes that you describe?

**Dave Simmers:** It has an enormous impact. For months, the local evening paper ran what was tantamount to a racist campaign against Gypsy Travellers, which had a tremendous impact on individuals and their families. There was an increase in racial violence, stonings and verbal abuse, but I understand that when the press coverage stopped, the stonings and verbal abuse stopped. I had never before witnessed such an impact in the north-east. There is no doubt that there is a connection between the local politicians and senior officers who are influenced by the populist nonsense that has such an impact in the area. Some of the coverage was simply inaccurate. Today's *Press and Journal* at last contains a sympathetic article about Gypsy Travellers.

**The Convener:** We will read it.

**Marilyn Livingstone:** Dave Simmers's submission stresses the importance of site managers. Is there a lack of effective training and support for site managers? Are their current terms and conditions appropriate? What can the committee do about that? Should we consider reviewing the issue?

**Dave Simmers:** As I said, there is a need to review the entire official sites strategy. We need an approach that moves away from the use of more formal locations to the use of less formal low-managed locations, to allow Gypsy Travellers to get on with their lives. I have spoken to site managers over a number of years and, overall, they do not get the support, training and remuneration that are commensurate with their job, which is incredibly complex. Their work combines the jobs of police officer, social worker, educationist and information provider—they are crucial workers who undertake a gamut of activities, often without experience.

**Marilyn Livingstone:** Should we consider conducting a review?

**Dave Simmers:** Absolutely.

**Dr Gardee:** I strongly believe that training and support for site managers and training to effect changes in attitude should be provided jointly with other professional agencies, rather than independently, because in a multidisciplinary

learning process learners can learn from and support one another. That is fundamental to the success of any activity at site level.

**Dr Padfield:** Embedded in whatever decision the committee makes should be a requirement for local authorities to demonstrate that they have spoken to Gypsy Travellers, and a timescale in which they should do so. The committee should indicate not just that it intends to review site managers' activities or how managers work with other agencies but that it wants local authorities to take action by a certain time, because it will consider the matter on a certain date.

**Dave Simmers:** I agree. A danger is that Gypsy Travellers are among the vulnerable and excluded groups who are being consulted to death. Although I agree that they should be consulted—that is happening in some areas—there should also be action after consultation. Otherwise, people become cynical and disillusioned.

**Dr Lloyd:** The other issue is that we are having those consultations as opposed to consulting Gypsy Travellers as parents and consumers in the proper everyday manner that schools, hospitals and other services should be doing.

**Dr Gardee:** The issue is dialogue and engagement.

**Dr Padfield:** I agree. I would like to withdraw the word “consultation”.

**The Convener:** Dialogue and engagement are what is required.

**Marilyn Livingstone:** I again pick up on a point in Dave Simmers's evidence, but I would like the whole panel to respond. His submission describes the recommendations in the committee's 2001 report as a “wish list”, but he and others have provided the committee with examples of best practice from different areas. Good work has been undertaken in his area. What are the key points that the committee should prioritise?

**Dave Simmers:** There are two. As someone who had worked with Gypsy Travellers over a number of years I could not believe the committee's recommendations first time round: they were marvellous. Of course, recommendations must be realised. I have mentioned the two priorities already. First, a national steer should be given; it is necessary that the centre take the lead, which means that resources must be provided. The second priority is a network of places where Gypsy Travellers can live safely and securely and have a home, like the rest of us.

**Marilyn Livingstone:** Does anyone else want to comment?

**Dr Gardee:** Yes. National resourcing is fundamental to the exercise. May I give three or four examples, or will we come on to health later?

**The Convener:** We will go on to health right now.

**Dr Gardee:** Thanks. I will give the committee the information.

**Dr Lloyd:** The one single thing that would make a difference would be a strong public affirmation of the diversity and value of Scottish Gypsy Traveller culture. Public figures and significant political figures in the Executive should be seen to affirm that. Many things that the current Executive and the Labour Government in Westminster have done have been very positive in many respects for Gypsy Travellers, but they have done them by stealth because there are no votes in the issue. People should be brave. They should stand up and be seen publicly.

**Martha Kennedy:** I would like us to be served in shops, in pubs and by taxis and not get barred from them for no reason.

**The Convener:** That is a basic request. You are right.

**Nora Radcliffe:** I will ask questions on health issues. The Executive's response to the committee's recommendations stated:

"The National Resource Centre for Ethnic Minority Health, in collaboration with the Scottish Executive Health Department, are integrating and facilitating the need for NHS Boards and Trusts to be more sensitive to the needs and discrimination faced by Gypsies/Travellers."

What progress has been made on promoting increased awareness and integration?

**Dr Gardee:** I welcome that question. Like Dave Simmers, I congratulate the committee on the general recommendations that it made. They were brilliant, open and very exciting. Perhaps they have led to some of the actions that have been taken from the centre.

First, when we got a request for a resource centre we did one basic thing. There was no point in our going round making statements independently as professionals and so on. We therefore got involved with Gypsy Traveller communities and other people. We sent five ladies from here to Pavee Point in Dublin to examine what the problems were and how they were coping with the Gypsy Traveller situation. When they came back with a report, it was pretty obvious that they did not want people to keep on talking about the issue. We had been doing that for 20 years for all the migrant communities. What they wanted was straightforward action.

Because Gypsy Traveller society is oral to a large extent, we had to consider innovative ways

of ensuring that resources and materials were made available. We had enormous support when we reached that stage but, because of constraints on local resources, problems at health board level and the constraint that is felt nationally, that work was put on hold and we could not continue. The good news story that came out of that is that, where we got proper dialogue going among us, the Gypsy Traveller community and the professionals, there has been some success. The chairperson of the steering group—Martha Kennedy—is sitting here and I am pleased to report that we have completed the hand-held patient record, which is ready for distribution. Would I be right to say that it has been ready since February?

11:45

**Martha Kennedy:** Yes.

**Dr Gardee:** Our problem is that we are awaiting a decision on when the record will be launched. It takes a long time to work through the bureaucratic jungle but, as the hand-held patient record is ready, it should be launched as soon as possible. That way, we would retain the confidence of the community as a whole.

The ready availability of that record is one of our successes. Another concerns awareness and training, which is all about changing attitudes. A number of professionals from the centre and elsewhere have had training—which has been resourced centrally—from Martha Kennedy's organisation. It was illuminating for us to realise how little those of us who worked in the field knew about the circumstances and some of the situations in which people live.

Training is fundamental—you will notice that we say in our submission that for our hand-held record to be successful, we require an effective training programme. For health in general, the Scottish Executive has agreed tentatively to consider the possibility of funding training. However, the wider issue is the need to involve local authority staff, such as site managers and social workers. Multidisciplinary training will be integral to the process. If professionals, service providers and service users can work together, we will be able to make progress together.

In our written submission, you will see that we have made a proposal to the Executive that the equality unit, the health improvement strategy division and the Health Department as a whole should do something constructive. If we get support on that from the committee, I am sure that the Executive will listen to you and we will get the necessary resources to ensure that training takes place. People will have to know how to use the hand-held patient record. We would not do the

training on our own, but with Gypsy Travellers, because we achieve success when we involve the people in what matters most.

My last point concerns our needs assessment. We have been doing some interesting work in the northern sector of Scotland. One of the most exciting approaches that we have adopted is the rapid appraisal technique. It is fast, action oriented and does not involve huge consultation but does involve the communities. We have used a basket of approaches to involve people in the appraisal and have come up with a series of suggestions that we would like to send to the committee as soon as the steering group and our chairperson have had an opportunity to review the list. It is interesting and suggests that we should involve the community much more and that we should do the capacity training in the community to make our work successful.

On the whole, there have been great successes in certain areas. Some nursing staff and health visitors in some areas have very good practices; in Lothian, Glasgow and Argyll and Bute there are very good and dedicated people who do excellent work. If some of our health personnel can do that work, why cannot it be done in every health board and as part of joint working with local authorities? At the end of the day, we are serving the same community. We are making positive moves forward, but those are dependent on the resources and support that we get at national and local level.

**Nora Radcliffe:** You have answered nearly all the questions that I wanted to ask. You have indicated that you have much good practice to offer us in relation to how we engage in dialogue with the Gypsy Traveller population. It might be useful for the committee to have a written account of cases of particularly good practice that we could use to persuade everyone else to come up to the standard of the best.

**Dr Gardee:** That is part of our programme. We are in the final stages of drafting outcome indicators, which show what we expect boards to deliver. We do not expect boards to become areas of excellence immediately, but we have set four different levels of outcome, starting from scratch and going up. The indicators should give people confidence and should be agreed jointly. There will also be a book of good ideas and practices that will include different scenarios and examples. As soon as it is published, we will circulate it to the committee, to allow members to consider it and to ensure that people respond to it quickly.

**Carolyn Leckie:** The questions that have been asked about health so far have related to health promotion. I am interested in physical delivery of health services that are culturally appropriate. I was previously a midwife, and I am aware of high-profile cases in which there have been tensions

around home births, for example. What is the situation now? Are people able to access culturally appropriate health services? What is needed to move things forward? The home birth rate in the general population is less than 1 per cent. That makes it difficult to ensure that there are enough people who are prepared to deliver the service. Are there tensions around maternity care and child health? What tangible steps forward can you suggest?

**Dr Gardee:** From a meeting that I attended yesterday, I know that maternal and child health are very much on the agenda and that we intend to examine them. I cannot answer the member's question about home births, but I will come back to the committee on it.

The issue of culturally sensitive and responsive services was raised. Under the Race Relations (Amendment) Act 2000, it is mandatory for every board and public body to produce a race equality action plan. "Fair for all", the document that spurred the health service to move towards equality and diversity, also includes an action plan, which we have just reviewed. At corporate level, there is a desire in all health boards in Scotland to ensure equality of services. The question is this: what kind of buy-in do we get from front-line middle managers and front-line staff at provider level? That is where a considerable amount of work remains to be done.

It is all about learning, training, changing attitudes and so on. Once we change our attitudes, we can deliver the services. People must be sensitive. We are developing some interesting programmes and would be happy to report to the committee on them, and to provide members with the necessary documentation, as soon as it is ready. On 1 June, we will have an equality lunch with training consultants in Scotland and organisational and development training staff of health boards, in order to examine where we should go from here.

**Dr Padfield:** I was recently on a site where the site manager is working hard to get a portakabin, because when there is a home birth or situations in which women must be seen by doctors or nurses, there is no place where they can speak privately. That is uncomfortable for everyone concerned. Although people want matters to be kept private, they become awfully public, because other people are hanging around outside the trailer. Many sites that do not have portakabins see acquisition of them as an important issue, so that people can have a place where they can speak privately about health, education and other matters. However, funding for such facilities seems to be all over the shop.

**The Convener:** I am keen for us to move on, because we need to finish very soon.

**Elaine Smith:** I get the impression that most of the people who have examined the committee's previous recommendations think that the recommendations were good. What more can we do to ensure that people deliver on the recommendations? One recommendation was that Gypsy Travellers should be regarded as a distinct ethnic minority group until such time as a court decision is taken to formalise that status. We all know the difficulties that are associated with court decisions. Do you think that the recommendation has had any overall impact?

**Dr Lloyd:** The recommendation was very positive. It was important for it to be discussed widely, because there is misunderstanding about the meaning of ethnicity. Many Gypsy Travellers who were initially reluctant to accept the recommendation now recognise that ethnicity is not the same as a narrow notion of biological race and that groups that have a shared culture should have that culture recognised. The Race Relations (Amendment) Act 2000 makes it even more important for us to assert the status of Gypsy Travellers as a distinct ethnic minority group.

**Dr Gardee:** I, too, welcome the recommendation. Now that it has been made, the issue is how we strengthen it generally. While we wait for a court decision, it is essential that public figures, including members of the committee, make it clear that the matter needs to be addressed as quickly as possible.

**Dr Padfield:** You must just keep asking the questions.

**The Convener:** The issue is close to the committee's heart. We will continue to push on it.

I am sorry, but we have run out of time. There are more questions that we would like to ask, so we will put them to you in writing. It would be helpful if you could submit further written evidence to us. This has been a good evidence session. I suspend the meeting for a few minutes to allow a changeover of witnesses.

11:57

*Meeting suspended.*

12:02

*On resuming—*

**The Convener:** I warmly welcome Assistant Chief Constable Allan Burnett from the Association of Chief Police Officers in Scotland and Inspector Ian Taggart from Grampian police. I am sorry that you had a bit of a wait this morning; it is always difficult to know when to stop when we are hearing so much good evidence. I thank you for waiting.

We are short of time, so we will go straight to questions, rather than hearing opening statements. The ACPOS diversity standing committee established a Gypsy Traveller sub-group in 2003. Are you happy with the progress that you have made since then against the relevant recommendations in the Equal Opportunities Committee's 2001 report? What will be your key priorities?

**Assistant Chief Constable Allan Burnett (Association of Chief Police Officers in Scotland):** Some progress has been made against the report's recommendations. Do you want me to list from our work plan the matters on which we have made progress and those on which work still needs to be done?

**The Convener:** That would help.

**Assistant Chief Constable Burnett:** Liaison with local authorities is very important. The big boon has been our close liaison with a number of site managers. It is good that we now have meetings at a Scottish level with site managers.

Effective engagement with organisations other than councils has been a bit mixed. Ian Taggart can talk about work with Save the Children, the Convention of Scottish Local Authorities and other organisations.

**Inspector Ian Taggart (Grampian Police):** We have engaged with support organisations. It has been difficult to find national representatives from the Gypsy Traveller community. The support agencies have done an excellent job when we have engaged with them.

**Assistant Chief Constable Burnett:** Ian Taggart can probably speak better than I can about the generic assessment process.

**Inspector Taggart:** By and large, unauthorised encampments cause the most tension and the biggest issues in the settled community. We have worked to produce a form of assessment. One main task of the ACPOS sub-group has been the development of the unauthorised encampment guidelines, which work in partnership with the Scottish Executive guidelines and with local guidelines that public authorities have developed. The guidelines are holistic in comparison with previous management documents on unauthorised encampments.

Because of their randomness, unauthorised encampments present a problem for all public authorities. Hooking in service provision when there is no certainty about where Travellers are going to be can be difficult. We are piloting an assessment form with one of our local authorities to try to get an idea of the needs of the Travellers on the encampments. That is at an early stage just now; it has just kicked off this season, with the

Traveller visitations, and so far we are not having any difficulty with it. It is an aid to service provision.

**The Convener:** The ACPOS guidance suggests that local authorities have a Traveller liaison officer to act as a point of contact, which would help to deal with the randomness of unauthorised encampments. Do you know whether such officers exist and, if so, whether they make a difference?

**Inspector Taggart:** That role has not been progressed uniformly nationally. In my force area, the three local authorities are at different points in developing such a role. Two of the authorities have a voluntary agency—the Traveller Education and Information Project, on which you have just heard Dave Simmers’s evidence—which is providing a link with Travellers in the area.

On the committee’s recommendation 8, I do not think that local authorities have generally taken on board the philosophy of what you sought with the role of Traveller liaison officer. In Aberdeen, we have a good working group—again with TEIP involvement—regarding support for Travellers. Managing unauthorised encampments is a separate issue, about which different tensions start to appear. It is fair to say that there is a need for a link with public authorities to ensure that we get a direct link to support services for Travellers. That has been missed by quite a few local authorities in Scotland.

**The Convener:** The police obviously have different roles in relation to Gypsy Travellers. To what extent does the police service depend on effective relationships with local authorities when dealing with Gypsy Travellers and how effective are those relationships in practice?

**Assistant Chief Constable Burnett:** Ian Taggart and I agree that the authorities that are dealing with the matter are doing well, so I do not think that it will come as any surprise to hear that, as a result, policing has become easier. That is why we are so keen on recommendation 8. When local authorities have measures in place, including good liaison with the police, we can provide a better service to Gypsy Travellers. The issue is as simple as that.

**The Convener:** You have a different relationship.

**Assistant Chief Constable Burnett:** Yes. We enjoy good relationships with all councils, but, to support the Gypsy Traveller community, the police need to have the formal infrastructure in place.

**Inspector Taggart:** It is fair to say that we are trying to move into a community engagement or involvement role with the Traveller community. Prior to multi-agency working and before local authorities became the lead agency, the police

service had more of an enforcement role regarding unauthorised encampments. It is important for us to engage with and assist the Traveller community.

**Shiona Baird:** My question refers back to the transit sites. The ACPOS guidance, under the heading “Prosecution Considerations”, mentions suitable alternative stopping places. How do you deal with unauthorised encampments? There are formal sites, informal but acceptable sites and unauthorised sites. What is the relationship between them? To what extent do we need to concentrate more on finding informal but authorised alternative sites? I am getting a bit confused about the differences.

**Inspector Taggart:** Perhaps I can help to clarify the issue. I would classify sites as “official” or “unauthorised” and leave it at that. It is recognised that accommodation is a key to service provision for the travelling community and that the identification of halting or transit sites for Travellers is important.

Official sites have varying success rates. Some of them are good, but there are some to which Travellers will simply not go, because of where they are located, management issues or other issues. Well-managed halting or transit sites enable service providers to know with a degree of certainty where Travellers are located. It is difficult—if not impossible—to provide appropriate services to unauthorised encampments because of their randomness.

**Shiona Baird:** So in an ideal world there would be formal sites and authorised transit sites.

**Inspector Taggart:** If the needs of the Traveller community were being met, there would not be unauthorised sites; we would have well-managed official sites that they would use.

**Assistant Chief Constable Burnett:** We listened to the evidence that was given earlier, but we would not go so far as to say that there is no place for official sites in the sense in which I understood the term to be used by the person who spoke and who wanted many more of the smaller, less formal sites that are attractive to the Gypsy Travellers—perhaps I am confusing the terminology. We support proper service provision on the second tier of sites, as various authoritative documents suggest that the procurator fiscal will take into account in considering criminal prosecutions whether there is adequate provision. At the moment, there tends not to be adequate provision and so there is appropriate toleration of unauthorised sites.

**Shiona Baird:** The ACPOS guidance notes that failure by a local authority to assess, or make provision for, the needs of Gypsy Travellers will serve to reinforce the presumption against

prosecution. Are such failures common? If so, why? I am rather confused about the issue.

**Assistant Chief Constable Burnett:** The business of reporting matters to the fiscal has been ameliorated by the good policies on unauthorised sites that now exist. Your questions are difficult to answer, but, on the issue of unauthorised sites, our preference would be for more official sites to be provided. I think that we would use the word “official”.

**Inspector Taggart:** Yes.

The presumption of non-prosecution causes difficulties for some people and leads to cries for equal application of the law towards Travellers. The presumption is seen as an exemption for Travellers, but it recognises the lack of available accommodation for them—that is why it exists. There would be no need for it if there was enough accommodation for Travellers. The view that there should be equal treatment for all perhaps indicates the extent to which Travellers are excluded and discriminated against. The cries are always for enforcement of the law, but perhaps the solutions to the problem lie in housing, homelessness and planning legislation, where that can be provided. If equality existed in those areas, we would not be considering inequality in respect of people not having accommodation.

**Shiona Baird:** Can you resolve most of those incidents fairly well?

12:15

**Inspector Taggart:** In my force area, as in others, we plot the occurrences of unauthorised encampment to establish the geographic location of where Travellers come on a seasonal basis. Travellers come each year to particular areas to find work—they come for economic reasons. There are hardly any official sites in the areas to which they come each year. We plot those sites to try to establish where they are—that is the only reason.

**Assistant Chief Constable Burnett:** The policies on unauthorised sites have undoubtedly followed good practice. They are subject to on-going review, which is part of our action plan for next year. One thing missing from the policies at the moment is an appropriate media strategy.

**Phil Gallie:** Unauthorised sites cause great problems. You said that we need to provide housing. However, some of the people whom we met earlier this year said that, although they had houses, they chose to move come the better weather. I sympathise with that approach—it is part of their culture and we have to respect it. However, local authorities do not take flexible approaches where that would be appropriate. You

suggested that Travellers go to certain places to work. Why cannot we give the landowners in the areas where Travellers go to work a degree of discretion in allowing people to set up for a short time before moving on? Is that not what the Travellers require?

When there is an unauthorised site, people pick up the phone to the likes of me and say, “We’ve got these Travellers sitting here. They shouldn’t be there. Why should they have planning privileges that others don’t?” However, landowners have the responsibility to move them. Dave Simmers said that we should remove the boulders, but that is the only means of protection that some landowners have. Would it not be reasonable from a police viewpoint to provide facilities so that landowners could use reasonable discretion?

**Inspector Taggart:** The vast majority of unauthorised encampments are at roadsides on public land. It is not that common for private land to be used for unauthorised encampments.

You are right that we need to have regional plans that provide for accommodation for Travellers. In general, Travellers do not want to be confrontational. Dave Simmers speaks about removing the boulders, but, from my experience and having worked with him, I suggest that he is talking about the boulders from disused road-ends and lay-bys that have been blocked off—generally, the boulders are not there to block off private land.

I could not agree more that there is a need to provide accommodation, but housing is not generally the answer for Travellers. They bring their own houses; they bring caravans with them. They do not have the same housing needs as a settled community. They are looking for minimal services from public authorities.

**Nora Radcliffe:** Is it your perception that the presumption against prosecution where there is no provision is placing pressure on authorities to make better provision?

**Inspector Taggart:** Absolutely. I would hate to think that we could lose that presumption against prosecution, as it helps the police to engage with the community in a more holistic way rather than focusing on enforcement and getting into confrontations. The presumption against prosecution puts pressure—if you want to call it that—on public authorities, but it is pressure to do their duty under the legislation, be that to do with housing, homelessness or planning. I suggest that the pressure is legitimate.

**Nora Radcliffe:** Absolutely. I just hope that it is working.

**Assistant Chief Constable Burnett:** Your question flags up a point that has to be in our action plan for next year, which is impact



assessment. My colleague just outlined a positive impact assessment for the Gypsy Traveller community. When councils and the police look at impact assessments, we have to consider the impact of all our policies on the settled community as well as on the Gypsy Traveller community.

**Carolyn Leckie:** It would be helpful if more public land was available. The ownership of land in Scotland is a wee bit of an issue, given that most of it is owned by a tiny minority of people. Will you comment on that, given that if there were more public land, there could be more sites?

Have you encountered any inequalities in the operation of the presumption not to prosecute? What pressure might you come under in certain areas where the presumption exists? What are the biggest obstacles that you have come across to maintaining that policy?

**Inspector Taggart:** We must overcome the general view that people have about Travellers. In my force area, I check frequently for crimes, disturbances or antisocial behaviour that may be attributable to unauthorised encampments. Incidents occur, but no more often than they do in the settled community, where the same issues arise. The vast majority of reports that my force receives about unauthorised encampment and Travellers are simply that an unauthorised encampment is there; the complaint is not that there is a difficulty, but just that the encampment is there. There is probably a lack of awareness of Traveller culture and a lack of understanding of how the community lives. In some ways, the stereotype that is displayed in the media has an effect on the general settled community.

**Assistant Chief Constable Burnett:** In the drafting of the guidance and its implementation, it has been good to have the Crown Office and Procurator Fiscal Service on board both nationally and locally. At the end of the day, the Procurator Fiscal Service decides whether to prosecute, so the fact that the policy has been well communicated in the service is a boost.

**Carolyn Leckie:** Has the policy been implemented consistently?

**Assistant Chief Constable Burnett:** The Procurator Fiscal Service is not huge, although it covers Scotland. Communication in the service has been good, so if councils make errors, the Procurator Fiscal Service is an excellent failsafe, because the fiscals understand the policy. The good understanding of the policy throughout Scotland is healthy, given that the fiscals are the final arbiters on whether to prosecute.

**Marilyn Livingstone:** Paragraph 7.1 of the guidance states that the document will be reviewed annually in April. What progress is being made with the review?

**Assistant Chief Constable Burnett:** Are you referring to the guidance on unauthorised encampments?

**Marilyn Livingstone:** Yes.

**Assistant Chief Constable Burnett:** Unfortunately, the deadline of April has been missed, mainly because I have just taken up my post. Obviously, that is now top of my priority list and will be on the agenda at next month's meeting of the ACPOS sub-group, along with a lot of ideas about issues that we might want to consider. We will take account of the *Official Report* of today's meeting.

**Marilyn Livingstone:** A need to monitor levels of victimisation and repeat victimisation against Gypsy Travellers—for example, the number of racist incidents that are reported—has been identified. That is an important issue. Do Gypsy Travellers report such incidents and what information, if any, have the police compiled on such incidents?

**Assistant Chief Constable Burnett:** We have a problem with the monitoring of racist incidents that involve Gypsy Travellers, although the issue will be tackled as part of the action plan for next year. The issue arises in relation not only to Gypsy Travellers, but to the whole diversity agenda. Some forces are ahead of others in their ability to provide such information. We will look to having all forces up to the standard of Inspector Taggart's force, which would allow us to give an informed opinion on the matter. As chair of the ACPOS sub-group, my view is that we should consider the issue nationally as well as for individual forces. However, we are dependent on the IT systems' ability to provide that information if we are not just to think about the matter anecdotally. Ian Taggart might be able to give an anecdotal appreciation of the situation as an answer to the second part of your question.

**Inspector Taggart:** In my force, we capture data on racist incidents that involve the Traveller community, but that is a result of training that was provided to the support organisation TEIP—the committee heard from Dave Simmers earlier. I am the force's Traveller liaison officer and the support organisations make me aware of any issues. Our system is in place and it is capturing the data, but it needs to be developed and more scientific, if you like, so that we can be more certain of capturing all the data that we get.

**Marilyn Livingstone:** Did you say that that will be looked at next year?

**Assistant Chief Constable Burnett:** Again, I do not want to make promises that cannot be delivered. There is a problem with classification that affects organisations throughout Scotland and the United Kingdom, but depending on the

outcome of that we hope to make progress and ensure that our IT systems in the future are designed in such a way that the classification issue can be properly sorted out.

**Phil Gallie:** On discrimination, we heard from Martha Kennedy that bars and shops sometimes bar Travellers just because they are Travellers. If there is no evidence of any other reason for barring them, what would be the police's view?

**Inspector Taggart:** You are talking about racist incidents. We have a remote reporting system and all public authorities can report racist incidents to the police. Obviously, the law of evidence applies. If the victim perceives what happens as a racist incident and there is evidence, the incident would be reported as such. Often the victims do not want to progress to court, but we still record those cases.

One of the big challenges, not just for public authorities but for the police, is to gain the Traveller community's confidence so that we get the information. There is no doubt that racist incidents happen. So far this year, there has been an increase in the number of reports of such incidents from the Traveller community in my force's area, but that is a result of the good work and engagement that is happening with voluntary agencies.

**Marilyn Livingstone:** Have there been any developments in the promotion of Gypsy Travellers' confidence in the police? Have you been involved in monitoring relations and has there been any progress?

**Assistant Chief Constable Burnett:** There is broad recognition in the Scottish police service that community policing is the way ahead on this and a number of other issues. We need continuity and well-trained officers who understand the issues, and there is a big push on that. Areas where there are, will be, or are likely to be Gypsy Travellers are often, regrettably, adjacent to areas that attract community police officers for other reasons. Fife is in a fortunate position because it is about to get a considerable increase in the number of community police officers, and one of the factors that we will take into account is the residence, or temporary residence, of Gypsy Travellers in the area. I do not need to rehearse the benefits that we get from having good, well-trained community police officers who are aware of the issues and provide continuity to policing in an area, and that is no different in relation to Gypsy Travellers.

**Marilyn Livingstone:** I know about the work that has been taking place in Fife. Geographically, there are good examples of the promotion of Gypsy Travellers' confidence in the police, but how are we doing on that throughout Scotland?

What evidence are you gathering to assess whether such confidence is increasing?

**Assistant Chief Constable Burnett:** I think, in truth, that it is mixed. All eight police forces in Scotland have benefited from the things that we have heard about today. Going back to the issue of unauthorised encampments and sites, one of the big boons has been the boost that the whole Scottish police service has received. That has taken away conflict throughout Scotland, and we have already heard about the consistency of the policy on non-prosecution. There are some broad areas in which there has been benefit across Scotland.

12:30

**Inspector Taggart:** I have been involved for more than five years, and I have seen the police service and the Traveller community move closer together. Thanks to that more holistic approach, we are gaining the confidence of the Traveller community. We are only at the start of that road and we have a long way to go, as do all public authorities. It has been difficult for the police, because we have been forced into a confrontational enforcement role regarding unauthorised encampments, which is the main area of tension. We are starting to overcome that, to gain confidence and to get dialogue from within the community. There has been a positive move forward, but there is a long way to go.

**Ms White:** I have some questions about the media and reporting, whether it is positive or negative. I know that your force has had a lot of media coverage; the committee was made aware of that in April, when we heard evidence. I am concerned about the fact that the United Nations committee on the elimination of racial discrimination expressed its concerns to the United Kingdom Government about the reporting and the Press Complaints Commission's lack of effectiveness in dealing with the type of racial prejudice against ethnic minorities that is seen in media reports. We have just heard that you are trying to build good relationships with Gypsy Traveller communities. What impact do the media have on those good relations?

**Inspector Taggart:** It is fair to say that the media coverage strengthened the tie-in with the police. We had to deploy officers at one stage, because of the issues that were emanating from the reporting. I foresaw that negative reporting last year, for various reasons, but I could not have foreseen how vitriolic and vicious it would be or how long it would go on for. The negative reporting was worrying and it undermined a lot of good work that had been done in Aberdeen. I perceived an atmosphere of fear among the good professionals who were trying to progress those issues and to

support the Travellers and get services to them. There was apprehension, at least, but some of those workers felt fear as a result of the reporting, in case they too were subjected to such coverage in the media.

During that period, I examined reports of racist incidents in which Travellers were victims. I did a comparison between this year and last year, which showed an increase in such incidents. More worryingly, the severity of the incidents reached a level that I have never seen since I have been involved with Travellers, with gangs stoning encampments and shouting racist remarks. That had been unheard of in the Aberdeen area. The evidence that the committee took on 12 April was a watershed, in that the reporting effectively stopped after that evidence was heard. We have not had any reports of racist incidents in which Travellers have been victims and we have not had such coverage since then. I think that that speaks for itself.

**Assistant Chief Constable Burnett:** I have experience with asylum seekers in Glasgow, where the same issue arose on a larger scale. It is up to anyone in authority—a council, the Scottish Executive, an MSP, a local councillor or the police—to be together and to step forward and be positive about the Gypsy Traveller community. Above all else, that is what is needed. As well as all the best practice that can be employed in trying to get positive stories in the press, everyone needs to stand together and to step forward.

**Ms White:** You mentioned your media strategy. Is that a strategy for dealing with the media? Do the media have a responsibility to consider every aspect of a situation—just like members of the public, MSPs and authorities—and not to be negative when making reports?

**Inspector Taggart:** It is obvious and concerning that the coverage was based on cherry picking of negative information. When it comes to the Traveller community, the attitude of the media seems to be that bad news is good news. However, the vast majority of journalists are extremely responsible and I do not think that we should stereotype the profession. We should give credit where it is due and state that there is a small minority that engages in the type of reporting that we are talking about. I would not think about interfering with the freedom of the press or the right to free speech, but I would say that responsibilities attach to such rights and that the effect of behaving irresponsibly in that regard can be damaging to minorities.

**Ms White:** Could you say something about the media strategy that you mentioned earlier?

**Assistant Chief Constable Burnett:** The idea of having a media strategy is an omission from the

otherwise excellent policy documents that relate to this issue at local and national level. If people were writing those documents again, they would probably include parts about the need to establish a joined-up media strategy that would promote positive stories and address negative stories.

**Elaine Smith:** Do you agree that the media's right to free speech does not extend to speech that amounts to incitement to racial hatred?

**Inspector Taggart:** Incitement to racial hatred is a crime, but it is difficult to prove; that is why there are few convictions in that regard. The question that you ask is difficult to answer.

**Elaine Smith:** But there is a fine line. If a newspaper's reports amount to incitement to racial hatred, we must consider what steps can be taken.

**Inspector Taggart:** Legislation exists to deal with incitement to racial hatred. However, it is difficult to prove those cases—

**Elaine Smith:** Is the Scottish Executive's work on its anti-racism strategy enough to have a positive effect on perceptions and awareness of issues relating to Gypsy Travellers, or should the Executive narrow down its work to deal specifically with those issues?

**Assistant Chief Constable Burnett:** I think that this is, arguably, one of the most difficult areas for the police. We are dealing with some of the most vulnerable people in society. If I were to give advice to the Scottish Executive and the marketing people who support its campaigns, I would say that there should be a particular focus on Gypsy Travellers because I think that they have special needs and vulnerabilities.

**Nora Radcliffe:** Have your statistics on the articles in the *Evening Express* been submitted to the Commission for Racial Equality as part of its investigation into the episode?

**Inspector Taggart:** I have not personally done that, but I am aware that other organisations have done so. The information is in the public domain and I understand that the CRE has collated it all.

**Nora Radcliffe:** Do you agree that the committee's original recommendations are still valid? Would you like to comment on the progress that has been made on them? What are the key priorities that we should act on to progress the matter further?

**Inspector Taggart:** The original recommendations are still extremely relevant. At the time, I was involved with the Gypsy Traveller community and believed that the work of the Equal Opportunities Committee was a strong foundation on which to make progress on Gypsy Travellers' rights. I thought that the groundbreaking work that

had been done would put Scotland at the forefront of human rights development.

Unfortunately, the committee's recommendations have not been progressed as quickly as everyone hoped that they would be. They are still valid and still need to be progressed as a matter of urgency. I hope that one of the outcomes of the committee's present work is that the impetus will be renewed. Things have moved forward, but they could have moved much further forward if everyone had worked together.

The main issue that needs to be progressed is accommodation; everything else stems from that. Accommodation is key to the provision of services and to progressing Gypsy Travellers' rights.

**The Convener:** I thank our witnesses for their evidence.

## Mainstreaming Equality

12:40

**The Convener:** Agenda item 3 is a paper that deals with our approach to mainstreaming equality in the work of the Parliament's committees. Do members agree with the recommendations?

**Members** *indicated agreement.*

## Disability Inquiry

12:41

**The Convener:** Agenda item 4 relates to our disability inquiry. Do we agree to consider our approach to the inquiry in private at a future meeting?

**Members** *indicated agreement.*

*Meeting closed at 12:41.*

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 8 June 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 Document Supply.

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](mailto:business.edinburgh@blackwell.co.uk)

**Subscriptions & Standing Orders**  
[business.edinburgh@blackwell.co.uk](mailto:business.edinburgh@blackwell.co.uk)

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

[sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

All documents are available on the Scottish Parliament website at:

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers

Printed in Scotland by Astron