



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

EQUAL OPPORTUNITIES COMMITTEE

Thursday 21 February 2013

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EQUAL OPPORTUNITIES COMMITTEE

6th Meeting 2013, Session 4

CONVENER

*Mary Fee (West Scotland) (Lab)

DEPUTY CONVENER

*Marco Biagi (Edinburgh Central) (SNP)

COMMITTEE MEMBERS

*John Finnie (Highlands and Islands) (Ind)

*Alex Johnstone (North East Scotland) (Con)

*John Mason (Glasgow Shettleston) (SNP)

*Siobhan McMahon (Central Scotland) (Lab)

Dennis Robertson (Aberdeenshire West) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Margaret Burgess (Minister for Housing and Welfare)

James Dornan (Glasgow Cathcart) (SNP) (Committee Substitute)

Lesley Irving (Scottish Government)

Gordon Paterson (Scottish Government)

CLERK TO THE COMMITTEE

Douglas Thornton

LOCATION

Committee Room 4

Scottish Parliament

Equal Opportunities Committee

Thursday 21 February 2013

[The Convener *opened the meeting at 09:31*]

Decision on Taking Business in Private

The Convener (Mary Fee): Good morning, everyone, and welcome to the Equal Opportunities Committee's fifth meeting in 2013. I welcome the visitors in the public gallery. I ask everyone to switch off their mobile phones completely or to set them to flight mode. At the table, along with members and witnesses, are the clerking and research team, official reporters and broadcasting services. Around the room, we are supported by the security office.

My name is Mary Fee and I am the committee convener. We have received apologies from John Finnie. [*Interruption.*] Oh, sorry, John, my brain is gone—we have received apologies from Dennis Robertson, and we are joined by James Dornan. I ask committee members and witnesses to introduce themselves.

Marco Biagi (Edinburgh Central) (SNP): I am the MSP for Edinburgh Central and deputy convener of the committee.

Siobhan McMahon (Central Scotland) (Lab): I am an MSP for Central Scotland.

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

James Dornan (Glasgow Cathcart) (SNP): I am the MSP for Glasgow Cathcart.

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

Gordon Paterson (Scottish Government): I am the team leader in the private housing services team in the Scottish Government.

The Minister for Housing and Welfare (Margaret Burgess): I am the Minister for Housing and Welfare.

Lesley Irving (Scottish Government): I am from the Scottish Government's equality unit.

The Convener: Agenda item 1 is a decision on taking business in private. The committee is asked to decide whether to consider its approach to its women in work inquiry in private at future meetings. Do we agree to take that in private?

Members *indicated agreement.*

Where Gypsy Travellers Live

09:33

The Convener: Agenda item 2 is ministerial evidence on where Gypsy Travellers live. Members have a number of questions for the witnesses, but first I ask the minister to make a few opening remarks.

Margaret Burgess: I appreciate the opportunity to take part in the inquiry on where Gypsy Travellers live. It is clear from the evidence that has been presented to the committee in the past few months that issues remain with regard to acceptance, provision and leadership to support the Gypsy Traveller way of life in Scotland. The Scottish Government recognises Gypsy Travellers as a distinct ethnic group and encourages others to do the same. We also recognise that Gypsy Traveller communities are among the most disenfranchised and discriminated against in Scotland. Many of the issues that arise in local communities can be of a sensitive nature and with that comes the need to balance the rights of the Gypsy Traveller population to follow their traditional way of life with the rights of local communities.

The themes of the committee's inquiry are wide ranging and do not fit neatly into the housing and welfare portfolio. In recognition that the inquiry has covered a range of accommodation issues, from identification of need to site provision, quality and management, I am supported by officials from the housing and equalities divisions. However, across all the findings of the inquiry, the Scottish Government wishes to work collaboratively with the committee to consider the issues that have been raised and to find a way forward to address them better.

The Convener: Thank you, minister. The committee has a number of questions, the first of which are on housing standards and sites.

John Finnie: Thank you for those encouraging opening remarks, minister.

I wrote to you in a constituency capacity some months ago about housing quality standards and received a reply confirming that the amenity blocks are not covered by the housing quality standard that is applied. Is there an opportunity to consider such an approach with regard to the amenity blocks?

Issues have been raised with us about some of the general fabric of the sites, such as hard-standing for the trailers. Do you have any comments on that?

Margaret Burgess: We are willing to look at that issue. I do not know whether it is something

that we can take into the quality standards, but I will feed your views back to the relevant people.

Reading the reports about the condition of some of the sites, the issues that you raise are concerning, and we want to address them when you issue your final report.

John Finnie: Would there be an opportunity at that point to consider the range of facilities that are available? At some sites, there is a dearth of children's play areas. We saw a well-appointed children's play area at the Clinterty site, but it was, effectively, on grass, with no boundary around it, on a bank beside rocks. Could the issue of the general fabric and amenities be picked up on?

Margaret Burgess: We have been considering the sites overall in terms of what is good about the provision and what is not so good.

John Finnie: Is there an opportunity to have the Travellers' sites considered as part of the national planning process and the guidance that is issued in respect of that?

Margaret Burgess: I think that the guidance addresses the sites. Gordon Paterson can speak about that.

Gordon Paterson: Within national planning policy, there is a requirement for local authorities to consider the needs of Gypsy Travellers and the provision of sites. The committee has heard concerns about the allocation of sites across local authorities, and due consideration has been given to the matter and to the issue of the strength of the guidance.

The national planning policy guidance and the guidance on the national planning framework are up for review, and consultation on that will be opened in the spring. That will give an opportunity for the recommendations from this committee to be built in and for the issues that you raise to be considered alongside what the guidance says.

John Finnie: That is welcome, and I think that we need to look forward rather than back, but has any assessment been made of the effectiveness of the guidance? I have repeatedly found myself saying that some local authorities are providing facilities, which are the subject of criticism, and many other local authorities are keeping their heads down and doing nothing.

I appreciate that the issue is complicated. Some of my colleagues have talked about the numbers count, and how that would impact on any assessment of need, but has there been any assessment of the effectiveness of the guidance?

Gordon Paterson: There are perhaps two parts to the issue: what appears in the national planning guidance; and what appears in the local development plans that local authorities provide,

which is where sites are identified. The guidance was introduced in 2009. At the point at which local authorities are developing their local development plans, we engage with them and have a dialogue about how the needs of Gypsy Travellers are being considered. There has not been an assessment of that, as such. It is not the role of the Scottish Government to assess the plans, nor to have a statutory monitoring role, but we pick up the issue in terms of the on-going engagement that we have with local authorities on the planning side and on the housing need demand assessment and local housing strategy side. As you probably know, local authorities have a statutory duty to prepare a local housing strategy. That is supported by housing need demand assessment evidence.

At the moment, we are in the process of reviewing the local housing strategies that are being developed. That is a peer-review process, in which the Scottish Government works with local authorities. We are confident that that provides an open dialogue with all local authorities in terms of the level at which Gypsy Traveller issues are considered alongside the needs of other population groups. The on-going monitoring of that takes place through dialogue between Government officials and local government officials.

John Finnie: You used the term "evidence", and evidence would be the delivery of the strategy on the ground. Had my colleague Alex Johnstone been here, he would have asked about the north-east, where a number of bodies have put a considerable amount of effort into identifying a site. That is particularly important for a number of reasons, such as the limitations of existing provision plus the traditional travelling patterns that see people coming from far afield to the north-east. What hope can we give Mr Johnstone that his constituents will see an improvement?

Margaret Burgess: Throughout the inquiry, it has been highlighted that the Scottish Government has given the north-east money specifically to identify new sites, and we are in regular dialogue about that. At the end of the day, the local elected representatives know the area and have to choose the sites. In my view, they should do that in co-operation with the Gypsy Travellers because the site should meet their requirements as well as those of the local authority.

Throughout the inquiry, it has been shown that there has not always been community support for Gypsy Travellers when sites are being identified in any area of Scotland. That is often why the planning for a site is not approved by local elected representatives. Work remains to be done about what was said at the beginning of the meeting about discrimination against Gypsy Traveller

communities. We have to work on that through dialogue and also through the Convention of Scottish Local Authorities, because that is where the Scottish Government has its agreement with local authorities. We do not regulate local authorities but we should have a serious dialogue with COSLA about this situation and other issues that have been identified during the committee's inquiry.

John Finnie: You used the term "discrimination" and it is evident that there is widespread and on-going discrimination, even under the processes that we have at the moment. Does that not suggest the need for radical alternative processes, perhaps with a ministerial lead crossing the various portfolios, such as housing, planning and health?

Margaret Burgess: The committee's inquiry has shown how many portfolios the issue crosses. It currently sits with the equalities portfolio and other ministers feed into it. Once the committee has produced its report, we will certainly be willing to look at how the Government can oversee what is happening in all governmental portfolios to ensure that the message is getting out there and that any issues that have been identified—we will take them very seriously—are transferred and we can start to see improvements.

Siobhan McMahon: We heard evidence from the Equality and Human Rights Commission that the concordat might be a barrier to intervention, and it suggested alternatives. Do you have a view on that? Do you see the concordat as a barrier to governmental intervention?

Margaret Burgess: I do not see the concordat between the Scottish Government and COSLA as a barrier, but we need to work on the issues with COSLA and local authorities. As has been shown, there is some good practice out there on some Gypsy Traveller sites, and there is some very poor practice. We need to collaborate and take people with us rather than necessarily legislating, because that might not be the best thing to do.

Grampian Police told the inquiry that issues in the north-east are not necessarily the same as issues in other parts of Scotland, so we need to look at local problems. Anything that is done locally and built up through working with local stakeholders will be more sustainable than something that is imposed from the top down. However, we will certainly raise with COSLA the questions that the committee's inquiry has identified and we will pursue them.

Siobhan McMahon: If the concordat is found to be a barrier, will you look at other ways of making intervention work for the Gypsy Travellers? That is not happening at the moment.

Margaret Burgess: If it is found to be a barrier and we cannot come to an agreement, we will reconsider.

The Convener: I want to ask about the guidance that is given to local authorities on the provision of sites. Throughout our inquiry, we have heard that local authorities are given guidance and are under no statutory obligation to provide sites. However, a number of people have given evidence that they feel that one of the ways of tackling the problem would be for Government to legislate and tell local authorities that they are obliged to provide sites. I am interested to hear your view on that.

Another issue that you touched on is involvement in the planning process. Throughout our evidence-taking sessions, we heard from a number of Travellers that on no occasion have Travellers been involved in the planning process. How do you see that being taken forward? Given that local authorities are on the whole quite resistant to involving Gypsy Travellers in the planning process, how can you ensure that they are involved?

09:45

Margaret Burgess: On the first of those two questions, personally I do not see that legislating to make local authorities provide the sites would resolve the issue, because at the end of the day local authorities would still need to determine where the site would be, which would need to go through the planning process. That would take us back to where we are just now. I think that the issue is more about working with COSLA to encourage local authorities to involve people.

Yes, we must make it clear that we expect local authorities to involve all stakeholders, and one of the main stakeholders is clearly the Gypsy Traveller community. We would certainly want to see that in any process that a local authority takes forward. As a Government, we will need to take a lot of these issues back to COSLA and local authorities to try to get them resolved, as things are clearly not working at the moment.

The Convener: I have one final question before we move on. When the Government issues guidance, what follow-up is done to ensure that the guidance is followed? If the guidance is not followed, what steps do you take?

Margaret Burgess: Guidance is guidance, but we would expect it to be followed to an extent. For a number of years, the guidance on homelessness was not followed, but eventually local authorities all came up to scratch and followed the guidance. The extent to which the guidance is followed is patchy and perhaps should be looked at. As the guidance is reviewed or rewritten and prepared

again, we might be able to look at what sort of monitoring should be put in place and what our expectation of local authorities might be. If the guidance is still not being followed, that will need to be brought to our attention and then we can look at it.

I do not know whether Gordon Paterson wants to add to that.

Gordon Paterson: That is absolutely right. The guidance is just guidance, but it is important to acknowledge that there is an on-going dialogue between the Scottish Government and local authorities, both at the national level and through the local network of offices that deal with housing supply, which work on all housing-related needs.

Fundamentally, it seems to me that we need to ensure that we have an up-to-date needs analysis that supports the needs of the Gypsy Traveller community alongside those of the wider community; a detailed site analysis, whereby sites that have been identified are analysed properly to ensure that the requirements of the specific Gypsy Traveller population at which they are aimed are taken into account—as the committee identified, different groups around the country have different needs so, as with any other population group, there can be no one-size-fits-all—and that those needs are met; relevant and properly accountable community engagement, which is an important point; and, as was picked up earlier in the inquiry, a process whereby legitimate concerns about whether a site is adequate are considered. That needs to apply to all sides, including the local authority, other stakeholders, the settled community and the Gypsy Traveller community.

I think that a mix of those four areas—needs analysis, site analysis, community engagement and consideration of legitimate views—would give strength to sites moving forward. Matched with that, we need a dialogue between the Scottish Government and the local authorities, which is on-going at the moment. Hopefully, that will provide strength in making progress on developing sites without the requirement for the heavy hand of legislation to push things forward.

The Convener: I will take a supplementary question from John Finnie before moving on to Marco Biagi.

John Finnie: My question, which I want to put to the minister, builds on the points that Mr Paterson made. I do not doubt that the vast majority of people are acting in good faith, and I do not doubt that there are wonderful policies sitting in filing cabinets in all local authorities and health boards.

The difficulty lies with the use of the word “needs”. We have heard evidence from the Gypsy Traveller community that flies in the face of the

minister’s commendable opening remarks about maintaining lifestyle. We have repeatedly been told that care and accommodation needs will be met if people take a house, and that any issues around getting a house would be resolved. That is not sustaining a lifestyle—that is disregarding their lifestyle and traditions. What can be done to stop that? Notwithstanding all the very fine policies that are in place, that is what we have heard.

Colleagues might discuss the numbers later. The assessment is complicated, as people are sometimes unwilling to identify themselves because of the difficulties that they have encountered. Asking someone to abandon their lifestyle in order to access public services seems to fly in the face of the Scottish Government’s commendable aspiration for them to be able to maintain their lifestyle.

Margaret Burgess: We are clear that we think that the Gypsy Travellers’ way of life should be maintained. I agree that people should not be forced to give up a lifestyle simply to get services. If there is strong evidence of that through the inquiry, we will certainly look into it and take it very seriously. When we say that local authorities should accommodate and have provision for Gypsy Travellers, we clearly mean Gypsy Travellers, their lifestyle and their way of life. If that is not clear enough, we will make it clear.

Marco Biagi: I have heard the word “dialogue” quite a lot, and that is broadly where we have been for the past 10 years—probably more—in the relationship between national Government and local government. What do you identify as the blockage to greater progress over the past 10 years, if you are saying that the current solutions are essentially to review what has been done already?

Margaret Burgess: Things have been done over the past 10 years. Considerable improvements have been made. The Scottish Government has provided funding from the housing budget for local authorities to improve their sites, and a number of pieces of work have been done in that regard. That funding is still going to local authorities, but it is now going through their general budgets, with ring fencing having been done away with.

There was ministerial involvement in the north-east. The work that was carried out there was deemed to be successful and to have been good practice. There is good practice around, but it has perhaps not been co-ordinated well enough. That is what we are saying now, and the committee’s inquiry has clearly shown that good practice might not have been properly and effectively co-ordinated. We still need to do something about removing the discrimination element that exists in many local authority areas, not just in the

community but, in some instances, among councillors, community councillors and MPs in some areas—I hope that it does not exist among MSPs. I have seen it frequently.

Marco Biagi: I can echo that. I have seen some shocking comments—I think that it was from an MP in Renfrewshire, in particular.

I move on to the area that I wished mainly to ask about. One suggestion for dealing with community relations and providing adequate sites is the greater use of transit sites and short-stay sites. In particular, the study that was done in the north-east identified a potential need for dozens of sites in the area to deal with the issue of unauthorised encampments. A range of views has been expressed about the matter in evidence, and I would be grateful if you could give the Government's perspective on whether such short-stay sites are a useful tool and are something that local authorities should be pursuing.

Margaret Burgess: I think that they are a useful tool. If the Gypsy Traveller community thinks that they are a useful tool, we should be considering that. Short-stay sites require provision for X number of caravans, and toilet facilities are required. It comes down to local authorities and planning, and ensuring that the sites meet the needs of the travelling community and the settled community. I think that your report will highlight a number of issues, for which a cross-party approach and a cross-portfolio approach within the Government will be required.

Marco Biagi: We have observed that many of the same problems that apply to permanent sites apply to short-stay or transit sites—you can use whatever term you like. There is often strong opposition from the settled community whenever such a site is proposed. Anyone who expects 30 transit sites to get planning approval in the north-east alone is probably living in dreamland, given how the planning process works. How can we make the system work better? Is it simply a case of the Government providing a challenge to the discriminatory attitudes that are often prevalent, or can something else be done?

Margaret Burgess: The issue is partly about dealing with the discrimination. If that hurdle can be overcome, as has happened with many other groups that have been discriminated against, councils and settled communities will have less fear of what is happening.

However, we need to look at other measures. We must talk seriously to the local authorities. I keep stressing that we must take this through COSLA because of the concordat agreement. We have to talk seriously about the issues that the committee has raised and about the need for transit sites.

The Convener: I would like to hear your view on the suggestion that Gypsy Travellers made in their evidence to us that a possible solution to the lack of transit sites would be the unblocking of their traditional stopping places.

Margaret Burgess: I would have to look at that. It would depend on where those traditional stopping places are, what state they are in and what it would take to bring them back up to a useable standard. I will certainly look at that suggestion and come back to the committee on it, if necessary, but at this stage I do not know which sites have been blocked, where they are, what state they are in or how long they have been blocked for. We need to look at all that first.

The Convener: That is helpful.

Some of the traditional stopping places are simply large lay-bys where there is now a sign that says, "No overnight camping." That is not the case with all of them, but that is one example that we were given. It would be helpful if you could look at that suggestion.

Gordon Paterson: We would need to be clear about why those sites were blocked in the first place and whether that was because of their quality, their location or their facilities. I am aware that in Aberdeen a checklist has been identified for the location of possible sites, which are scored for access to facilities and services and so on. The sites that have been blocked might have been blocked because they did not meet need, because they were unsuitable, or for health and safety or other legitimate reasons. That would have to be taken into consideration when any unblocking or reopening of such sites was looked at.

The Convener: We also heard that as those traditional stopping places were often used simply for an overnight stop, a range of facilities might not be required. The view of some Gypsy Travellers was that it would be quite simple to open them up.

Gordon Paterson: I am conscious that the dialogue that has taken place as part of the committee's inquiry has uncovered a number of factors in relation to the requirement for permanent sites and the requirement for transit or short-stay sites. A mix of provision is required. There is not just one solution. It is a case of providing the necessary mix in the right area.

Alongside that, it might be necessary to adopt a wider approach that goes beyond the simple solution of just providing sites with fixed facilities. Perhaps the issue of traditional stopping places plays into that.

10:00

It is about identifying the network of sites within local areas, how they can be used at different

points and the expectations around each of the sites. If Gypsy Travellers are going to be staying at stopping sites for an overnight stay, the impact on the local community could arguably be seen as much smaller. Follow-on services to maintain sites and to tidy sites after Gypsy Travellers have been resident on them are also important. The responsibility for maintaining the sites sits with the Gypsy Travellers and with local authorities.

It is about ensuring that sites are identified for particular purposes and that there is a network of sites to meet all the needs that are identified.

The Convener: Thank you, that is helpful.

James Dornan: Good morning, minister. In your opening comments and in response to Marco Biagi's comments, you accepted that—as others have mentioned—Gypsy Travellers are probably more discriminated against than any other sector in Scottish society. Is the Scottish Government considering—or will it consider—a campaign along the lines of show racism the red card to help with public awareness and education?

Margaret Burgess: That is certainly worth considering, because it is clear that discrimination remains and has not been addressed as it perhaps could have been. We will look at that.

James Dornan: Will you get back to the committee on that point?

Margaret Burgess: Yes. We will get back to the committee on any point that we are asked about.

Marco Biagi: My last question may lead on well to the points that other members want to raise. Mr Paterson in particular mentioned that one-size-fits-all is not the approach to take—although there is, in any provision, a balance between the local and the national. Gypsy Travellers are almost defined by their being mobile as a population and often encounter services that are delivered differently by different local authorities, such as social work and education services; they also encounter different health boards and different policing arrangements. That has often come up as an area of confusion and difficulty for people who are simply expressing their natural lifestyle in moving around the country regularly. Is there any way to strengthen consistency so that services are easier to navigate for Gypsy Travellers as they move around?

Margaret Burgess: After the committee inquiry on Gypsy Travellers and care, a cross-portfolio group was set up to look at the issues that were raised. The Scottish Government health department is included in that group. It is early days yet; the group has met just twice since the report on Gypsy Travellers and care was published, but it will be looking at issues such as the one you mention.

Marco Biagi: What timescale do you envisage for that group to start producing reports, new guidance and recommendations within the Government?

Lesley Irving: We want to wait until the committee has produced its recommendations on this inquiry, then we will look at the recommendations in the round. As the minister says, the group has already looked at the recommendations that were made after the inquiry on Gypsy Travellers and care and we provided a joint response to those recommendations. We want to do the same for this inquiry.

On the timescale, we want to move with some speed, because one of the stories that has strongly come out of both inquiries is about lack of progress and the frustration that communities feel—quite rightly—about that, in particular. We want to make speedy progress, but we also want to do a good and thorough job, so we must allow time for that.

John Mason: We have heard quite a lot on the issue already and almost everybody who has spoken has touched on national leadership as against local leadership. I have listened to the answers but, to be frank, I am disappointed because we seem to be making no progress. I am the newest member of the committee—apart from Mr Dornan, who is a committee substitute—and I came to the inquiry after it had started. I have not been on all the visits and have been to only one site, which I understand is regarded as being better than some, although there is a lot of room for improvement.

There have been clear recommendations, particularly in Aberdeen and Aberdeenshire, that a specific number of sites is needed, but I see no movement in the local community. I am afraid that all that we hear from the teams are references to there being “monitoring through dialogue”, that “there is on-going dialogue” and that they need an up-to-date needs analysis. That kind of language could be used every day: “We have only yesterday's analysis and can't do anything until we get tomorrow's.” There seems to be absolutely no movement, so I feel frustrated.

I accept that we want to support communities, that what happens is up to them, and that we have the concordat and single outcome agreements, but it is clear that nothing is happening on the issue, particularly in Aberdeen and Aberdeenshire, perhaps because councillors are scared of their local communities. If that is the case, surely the Government must step in.

Margaret Burgess: We have always got to be mindful that the Scottish Government has a current concordat agreement with the Convention of Scottish Local Authorities. I think that you will

agree that there is no process that would allow the Scottish Government to step into Aberdeen or Aberdeenshire and say "We want a site for a Gypsy Traveller community in that particular area." That does not happen anywhere, because there is no process that would allow it.

I accept that John Mason believes that not much progress has been made, but I think that progress has been made since 2001, although I agree that it has not been quick enough. We are trying to address that and so have set up a cross-departmental group in the Scottish Government. We take seriously the issue and the committee's inquiry and I have committed to go back to COSLA and raise with it the issues that have been raised in the committee. That is the way forward. I honestly believe that the best way to proceed is to bring people on board and to get things done from the ground up, using local stakeholders, rather than impose something on them. In any case, there is no process that would allow us to impose measures in that way.

I personally take seriously all the issues. I have looked at the evidence and am concerned about the condition of some sites. It is of concern that although 111 sites have been looked at, none has been found to be suitable. However, we are still having dialogue with those concerned and have given them money and are working with them to try to get a solution.

John Mason: I appreciate your answer and am convinced that you are personally committed to the issue and want to take it forward. I agree that things should, ideally, be done from the grass roots upwards. However, what I have seen clearly—the committee has seen it more—is real, open resistance to progress among settled communities. I accept that we cannot tell Aberdeenshire Council where it must put a site, but there will come a time when we must go beyond the concordat and the single outcome agreements. That happened with class sizes, did it not? Many councils wanted smaller class sizes, but were challenged and beaten in court by parents, and had enforced larger classes. At that stage, Parliament came in and legislated to support councils, in a sense.

In the same way, Aberdeen City Council and Aberdeenshire Council need our support because they are in quite a weak position. Their councillors are understandably swayed by local opinion and nothing will happen for the next 10 years unless there is much stronger emphasis on the matter from the centre.

Margaret Burgess: I hope that something will happen within 10 years. However, we cannot legislate just for Aberdeen and Aberdeenshire; any legislation would have to cover all Scotland, which could result in overlegislating for some areas while

still not solving the problem in Aberdeen and Aberdeenshire. Again, all I can say is that we will take the issue back to COSLA and that we know how serious it is. We will talk again to Aberdeen Council and Aberdeenshire Council, and to COSLA. That will be the first stage, but we will consider the issue again if that does not work. To come in with the heavy hand of legislation, particularly given the consultation that would be involved and the time that would be required to get the legislation through, would not address the matter any more quickly.

The Convener: I wonder whether there is an understanding of the frustration among the Gypsy Traveller community. We are looking at the issue again and a number of recommendations have been made. The Gypsy Traveller community feels very let down by the Government: recommendations have not been followed up and no real progress has been made.

The Gypsy Traveller community has, to an extent, been resistant to engaging with us in our work because, in their mind, we are doing another inquiry that will, ultimately, make no difference to their lives. Although I absolutely believe that you are committed to making a change, what I and the rest of the committee do not want is another set of guidelines and recommendations that will leave us, in five years' time, in the position that we are in now. What is your view on that?

Margaret Burgess: I do not want that either, which is why I said that we will look at the issue seriously and why we will take it across Government departments.

The Convener: Is there a date for concluding your recommendations or decisions following that work?

Margaret Burgess: Any proposals that we produce will be actioned. Once we have had the committee's final recommendation, we will consider that in deciding how we will act on the issue. I hope that any action plan will include a timescale. What I cannot promise is that we will legislate and that local authorities will, by a certain date, have X extra pitches in their areas. That will take longer, and I cannot give you a timescale. We will take on board what the committee says, we will take the matter back to COSLA and we will come back to the committee when we have spoken to COSLA and consulted local authorities.

Marco Biagi: It is clear from what we have heard that there has in the past decade been a noticeable—if patchy—improvement in areas such as health and schooling, which has not happened in relation to the planning process. Why has there been progress in some areas while progress in planning for sites has been a bit more disappointing?

Margaret Burgess: I am not going to provide an answer or even make a suggestion about that. However, as was mentioned by Gordon Paterson, there is an opportunity to make the views known clearly by feeding into the consultation on the emerging planning process and framework. The Government will consider that and feed it in to the relevant departments.

Marco Biagi: I am simply asking because there may be good lessons that could be carried across.

The Convener: Siobhan McMahon wants to ask about tenancy agreements and getting it right for every child.

Siobhan McMahon: If I may, I will also ask supplementary questions on what has gone before.

The cross-departmental group—which I welcome—has been referred to, and the feedback that we received from it on our previous report was mentioned. Although this is not something that we have discussed as a committee, I was extremely disappointed by the Government's response to our report, so I hope that our new report will be taken more seriously.

COSLA has been mentioned a lot. Does COSLA need extra finances for the recommendations that we are asking it to carry out and that the Government wants it to do? Would you provide greater finance for that?

You mentioned that you cannot set deadlines on when pitches will be made available in local authorities. However, when you used housing as an example of what has been done, you certainly gave an end date to eradicating homelessness across Scotland, which is also the responsibility of local authorities. I do not see the difference when it comes to Gypsy Travellers and their housing needs.

Margaret Burgess: You raised a couple of issues. I am sorry—I have forgotten your first point.

Siobhan McMahon: It was just a comment about the previous report.

Margaret Burgess: Only two parts of that question relate to my housing portfolio.

We take the issue seriously. We looked seriously at the previous report across Government and we will continue to do that. Perhaps our having somebody with overall responsibility for the matter is the way forward to ensure that everything is addressed.

As for finance, if a need was identified, that would be fed back to the finance directorate, but I am not the Cabinet Secretary for Finance, Employment and Sustainable Growth and so cannot commit finances.

10:15

Siobhan McMahon: What about the difference between a commitment to pitches and what is in the Homelessness etc (Scotland) Act 2003?

Margaret Burgess: We need to look at that. The situation is more difficult and is different when a travelling community is involved. The 2003 act said that people would get settled accommodation. I accept that, for Gypsy Travellers, settled accommodation would be in the context of their lifestyle. However, we have never made a commitment to eradicate homelessness and we have never said that we can do that. As we know, there will always be homeless people.

A correlation does not quite exist. We can look at areas that have a shortfall in pitches, but we could not say that there would always be a pitch for everybody who required one. That is no different from the homelessness legislation.

Siobhan McMahon: The aim in the 2003 act certainly had an end date; my point was about that. You said that no end date could be set in relation to Gypsy Travellers. If we say that we cannot have a policy with an end date, although we have had that in relation to homelessness, we cause inequality and show that inequality exists between Gypsy Travellers and settled communities.

Margaret Burgess: The end date of December 2012 was for the policy of providing people with settled accommodation; we did not say that everybody would get that settled accommodation in December 2012. You will be well aware of the housing list. The policy was about people who are not intentionally homeless.

I do not see the situations as being the same, but I will take the matter back to the team to consider whether we can set an end date by which we would expect the number of pitches to have increased. That might be the way forward, as opposed to saying that we can end a situation.

Siobhan McMahon: That approach would be helpful.

The numbers have come up quite a lot. We know that Gypsy Travellers do not self-identify and we have heard evidence that discrimination is probably the main reason for that. What is the Scottish Government doing to ensure that it gets accurate numbers on Gypsy Travellers? We understand that there is a huge difference between the official and unofficial numbers—sometimes one figure is 10 times the other. What is the Scottish Government doing to address that?

Lesley Irving: The committee knows that the Government used to run a count twice a year of the number of households and individuals in those households on local authority sites, privately

owned sites and unauthorised sites. The view of some people was that that exercise was not particularly helpful. Some members of the Gypsy Traveller community strongly disliked the exercise and disliked the fact that their community was being counted in a way that other communities were not. That was a perfectly reasonable point to make.

Our analytical services colleagues have considered whether we can get information about the numbers of Gypsy Travellers in better ways. In the 2011 census, we added for the first time a tick box for Gypsy Travellers under the "ethnicity" classification, which is used for other statistical classifications, too. We will get the analysis from that later this year.

Siobhan McMahon has made the good point that Gypsy Travellers are a group who experience a lot of discrimination and so would be reluctant to tick the box. We therefore need to look at other ways of getting information from survey data and so on that we already have.

We consulted people who used the data from the count on continuing with it or finding other methods. The results of that consultation were mixed; some people found the count useful, but others did not. We are looking at a range of our statistical collections at the moment. Gypsy Traveller head count is part of that consideration and colleagues in analytical services will soon be making recommendations to ministers on the way forward. Once that process has come to its conclusion, we will be able to inform the committee of the results.

I will add something on a point that Ms McMahon made. I am sorry that she found our response to the committee's report on Gypsy Travellers and care disappointing. I make it clear that progress has been made since that response was drafted and sent to the committee, and we will be able to provide that information in writing to you. There were a lot of recommendations and it would take far too much time to go through them all and report on progress this morning, but progress has been made across the recommendations and we will provide the committee with that information.

The Convener: That will be helpful.

Siobhan McMahon: I am pleased to hear that, and I thank you for your response to my question; it contained a lot of helpful information. I hope that when analytical services have looked at the matter we will get better information.

Of course, there is a challenge in respect of discrimination when people self-identify. I suppose that that comes back to the point that James Dornan made and the idea of a campaign to show

others in the community that they should not discriminate against this ethnic group.

My other question is on tenancy agreements. You will know that the 2001 report recommended a standard tenancy agreement across Scotland. We heard in evidence that that would be welcomed, not only by local authorities but by community councils and Gypsy Travellers themselves. Amnesty International, which has developed its own tenancy agreement, found that only three sites had been using the standard recommendations. Following that, the Gypsy Travellers see the form that they sign as a list of what not to do rather than as an agreement. What progress has been made on that? Will you look to create a standard tenancy agreement?

Margaret Burgess: That is something that we have to look at. I have talked a lot about the autonomy of local authorities, but no consensus was reached on a tenancy agreement, even though there was a lot of consultation and discussion. I note the evidence from the Gypsy Travellers who said that their tenancy agreements are very much about what they cannot do. Any agreement should be about the rights and responsibilities of both parties. It should be clear to Gypsy Travellers, when they are on a site, what services they should expect from the landlord of the site, so I hope that tenancy agreements would include that clearly.

Siobhan McMahon: I am pleased to hear that you agree that a tenancy agreement is a two-way thing, because that was one of the main concerns that we heard. Again, I look forward to the progress that can be made there. That was going to be my final question, but I have a final one—I am taking over the committee.

We heard in evidence from the Gypsy Traveller community that discrimination comes up again when their children are in schools. There is a lack of knowledge among the teaching profession about how to teach the children and give them the right materials, given that they are Travellers. How can the Government's getting it right for every child strategy be developed specifically to help the Gypsy Traveller community?

Margaret Burgess: That is something that the department group is looking at; we will certainly also go back to the education side. It is concerning to everyone that Gypsy Traveller children—particularly in secondary schools; I read the evidence on that—are being discriminated against and bullied and are frightened to go to school. Education is not in my portfolio, but that will be fed back and you will get a response on it.

Siobhan McMahon: Okay. As we know, getting it right for every child crosses portfolios. It is not solely in the education portfolio.

Margaret Burgess: It is certainly a concern for us all and it has to be looked at. There is no question about that.

Siobhan McMahon: Okay. Thank you.

The Convener: Do you see local authorities as needing to engage with Gypsy Travellers under the equality duties framework? I accept that you can give local authorities guidance on involving Gypsy Travellers in planning decisions and discussions about where sites could, should and may be, but do you consider the equality duties framework to be another avenue to encourage—shall we say—local authorities to engage?

Margaret Burgess: Any avenue to encourage local authorities should be promoted and used. Lesley Irving might like to add to that.

Lesley Irving: Absolutely. The public sector equality duty binds the Scottish Government and all other public bodies, including local authorities, and requires them to eliminate discrimination and to promote good relations and equality of opportunity between people of different groups.

All public bodies are now in the process of producing their equality outcomes. The Scottish ministers have the power to impose specific duties under the Equality Act 2010, although that is reserved legislation. The Scottish Government—as are all public bodies—is developing equality outcomes. Those provide an opportunity to drive forward equality for disadvantaged groups, including Gypsy Travellers. This is a good moment to take the temperature of the commitment of public bodies throughout Scotland to doing that. The equality outcomes will be published by the end of April, so the committee will be able to see fairly soon the areas that all public bodies in Scotland, including the Government, have identified and prioritised.

The equality outcomes must be reported on, and a new set of outcomes must be developed by 2017. Therefore, the public sector throughout Scotland will have a rolling programme of developing and reporting on equality outcomes. Through that process, we will be able to get a better sense of where work is being driven forward and where it is not. As the minister suggests, that will give us opportunities to advise public bodies on where we think things are not going well.

The Equality and Human Rights Commission is the monitoring body for the Equality Act 2010. As the committee knows, it takes a keen interest in Gypsy Traveller issues and has done for many years, so I am confident that it will expect those to be addressed in the equality outcomes.

The Convener: The most recent race equality statement covered 2008 to 2011. When will it be

updated and will it comment on the progress of the previous strategy on Gypsy Travellers?

Lesley Irving: That statement will be updated. We will provide in April a short statement about race equality and other aspects of equality across protected characteristics to support publication of the Government's own equality outcome material. We plan to produce later this year a number of documents, including a refreshed and updated race equality statement that will reflect on the previous one and take it forward into new areas because—as other equality areas are—race equality is dynamic and evolving. We want to refocus on new priorities around tackling hate crime and dealing with employability, given the economic situation, and bring it up to date. There will be a report on where we have come from, which will also set out the way forward. We will consult on that over the summer.

The Convener: As there are no further questions from committee members, I thank our witnesses for coming along. Their evidence has certainly been useful to us. We have all got a lot out of this evidence-taking session. I thank the minister in particular for coming.

That concludes our final evidence-taking session on where Gypsy Travellers live. We expect to consider the evidence over the coming weeks and publish a report later in the spring.

Our next meeting will take place on Thursday 28 February and will include oral evidence from the Equality and Human Rights Commission on human rights. We will now continue in private.

10:29

Meeting continued in private until 10:58.

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