

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	Guidance For Local Authorities On Managing Unauthorised Camping By Gypsy/Travellers In Scotland
Summary of aims and desired outcomes of Policy	Revised guidance has been prepared to assist local authorities in Scotland to develop effective policies and strategies for responding to unauthorised sites.
Directorate: Division: team	Housing and Social Justice; Better Homes Division; Housing Services Policy Unit

Executive summary

The public sector equality duty requires the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. It is a legislative requirement. Equality legislation covers the characteristics of: age, disability, gender reassignment, gender including pregnancy and maternity, race, religion and belief, and sexual orientation.

An equality impact assessment (EQIA) aims to consider how a policy (a policy can cover: activities, functions, strategies, programmes, and services or processes) may impact, either positively or negatively, on different sectors of the population in different ways. This EQIA has been undertaken to consider the impacts on equality of the revised Guidance For Local Authorities On Managing Unauthorised Camping By Gypsy/Travellers In Scotland.

Scottish Ministers and public authorities are also subject to duties in relation to children rights and wellbeing under the Children and Young People (Scotland) Act 2014. Children's Rights and Wellbeing Impact Assessment (CRWIA) is a process to identify, research, analyse and record the anticipated impact of any proposed policy on the guiding principles and rights outlined in the UN Convention on the Rights of the Child (UNCRC). Because of the close link between equality issues (specifically with regards to age) and children's rights and wellbeing, we have decided that this assessment will cover both perspectives to provide a more joined up assessment of the issues.

The revised guidance reflects the government's longstanding policy position on unauthorised sites, which is that Gypsy/Travellers have a right to their traditional way of life, but that right must be exercised responsibly and with regard to the rights of others.

Background

Following the 2013 Parliamentary report 'Where Gypsy/Travellers Live' the Scottish Government made a commitment to review the existing guidance on managing unauthorised sites, as part of a package of work on Gypsy/Traveller sites.

Many Gypsy/Travellers have a location (such as a private site) where they live for much of the year. Gypsy/Travellers generally travel from this location for part of each year, as an expression of their culture and to visit family, friends, or for work. They then camp on pieces of land as necessary. Discussions with local authorities and other stakeholders have highlighted that there are two distinct types of unauthorised site:

- small family groups with around three to five caravans, primarily focussed on visiting family and friends, attending cultural or family events, and sometimes undertaking work;

- larger working parties with many caravans, and industrial equipment, primarily focussed on carrying out business in the locality (e.g. gardening, minor building work, etc.)

The second type of unauthorised site has become more frequent since the guidance was first issued in 2004.

Existing evidence shows the Gypsy/Traveller community can generally experience much poorer outcomes than other communities in areas such as education, health and wellbeing and inclusion/engagement.

In the 2011 census 4,200 people recorded their ethnic group as 'White: Gypsy/Traveller'. The highest number of Gypsy/Travellers was recorded in Perth and Kinross (400 people; 0.3% of the total population of that area), followed by Glasgow, Edinburgh and Fife. 40% of those who recorded their ethnicity as 'White: Gypsy/Traveller' in the 2011 Census were aged under 25 years, compared to 29% of the whole population. It should be noted that bodies such as the Equality and Human Rights Commission believe that the census figures undercount the number of Gypsy/Travellers in Scotland, and the actual figures are higher

The Scope of the EQIA

The revised guidance draws together existing policy and practice in relation to Gypsy/Travellers and managing unauthorised sites. Therefore, we assess that it requires a high level impact assessment.

As Gypsy/Travellers generally travel with their children, local authorities and local services play a key role in protecting and promoting the rights and wellbeing of children and young people. This role is critical in the case of vulnerable children. We have also considered issues relevant to Children's Rights and Wellbeing as part of this EQIA to present a fully rounded picture.

The specific UN Convention on the Rights of the Child that are relevant include (but are not limited to):

- Article 2 – Non Discrimination
- Article 3 – Best Interest of the Child
- Article 4 – Protection of Rights
- Article 6 – Life, Survival and Development
- Article 12 – Respect for the Views of the Child
- Article 23 – Children with Disabilities

The management of unauthorised sites is also relevant to the eight wellbeing indicators – Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included (SHANARRI) – developed by the Scottish Government as part of the GIRFEC approach.

As part of our review of the guidance we have considered existing sources of information regarding Gypsy/Travellers including:

- Scottish Government – Gypsy/Traveller (2015) Census Analysis
- Scottish Government School Education Statistics
- Parry et al. (2004) The Health Status of Gypsies & Travellers in England
- Equality and Human Rights Commission (2009) Gypsies and Travellers: Simple solutions for living together
- Scottish Centre for Social Research (2010), Scottish Social Attitudes Survey 2010
- Where Gypsy/Travellers Live (2013) Scottish Parliamentary Report
- Scottish Government: Scottish Social Attitudes 2015: Attitudes to discrimination and positive action
- Scottish Government: Gypsy/Travellers in Scotland - summary of the evidence base (2013)

Key Findings

The review of the existing guidance was carried out in 2015 and 2016. Stakeholder engagement was an important part of the process, with officials engaging with a range of interested groups, including:

- Gypsy/Travellers;
- local authority officials, including those who manage unauthorised sites;
- Police Scotland;
- Crown Office officials;
- equality groups, including the Equality and Human Rights Commission;
- groups who work with the Gypsy/Traveller community;
- CoSLA and the Association of Local Authority Chief Housing Officers;
- Scottish Government colleagues leading on police powers, waste disposal, planning, and equality;

This engagement established up to date knowledge on the types of unauthorised sites, and current good practice by local authorities, the police, and others on how best to manage them. As a result of this work it was clear that revised guidance was necessary to draw on the greater experience local authorities had of managing sites, and to reflect a new policy context with a greater emphasis on equality, rights, and access to services for disadvantaged communities.

The impact assessment process has supported the development of the revised guidance. The updated version is intended to provide more practical advice than the current version on how sites should be managed. It identifies the factors a local authority will need to take into account, and the need to balance different elements when deciding the approach to be taken for each site. It includes a suggested process for handling unauthorised sites, which a local authority can use as a template or a point of comparison for their own procedures. The revised guidance also sets the context for the management of sites including equality duties and the human rights framework.

Our impact assessment showed that the Gypsy/Traveller community can generally experience much poorer outcomes than other communities in areas such as education, health and wellbeing and inclusion/engagement. The guidance is intended to support the rights and wellbeing of the Gypsy/Traveller communities in Scotland while being clear about the obligations and responsibilities for both Gypsy/Travellers and settled communities. We assess that the guidance is not discriminatory and is intended to fit with the Scottish Government's wider approach regarding Equality and Inclusion.

Recommendations and Conclusion

We have used the views of Gypsy/Travellers and those involved in the management of unauthorised sites and delivery of services along with sources of data to shape the revised guidance.

Local authorities are responsible for the management of unauthorised sites at a local level. As such many authorities have their own local policy and guidance. We expect local authorities to reassess their current approach to unauthorised sites in light of this guidance, including the need for their own equality impact assessment.

In conclusion, our assessment is that the revised guidance fully recognises the rights and wellbeing of Gypsy/Traveller communities in Scotland balanced against the the obligations and responsibilities for both Gypsy/Travellers and settled communities.