Improving Gypsy/Traveller Sites

Guidance on minimum site standards, and site tenants' core rights and responsibilities.

2026 update – Annex C - Standards to investigate and commence repairs to damp and mould on publicly provided Gypsy/Traveller sites (Awaab's Law)

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Scottish Government
Riaghaltas na h-Alba

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Ministerial Foreword

Gypsy/Travellers are a distinct ethnic group in Scottish society, with their own culture, lifestyle, and accommodation needs. As with everyone in Scotland they have a right to expect accommodation that is of a good standard, and meets their requirements. The Government's role is to set a robust framework and to promote good practice, so that the accommodation needs of Gypsy/Travellers are properly assessed, and effectively met, at a local level.

Over the last two years we have undertaken work to build that robust framework. That has included delivering new guidance on local housing strategies and Housing Needs Demand Assessments. These stress the need to properly assess, and take into account, the accommodation needs of Gypsy/Travellers. We have also funded the production of independent guides on Gypsy/Travellers and the planning system, providing impartial information for applicants and decision makers.

This guidance is a further step in building the framework. It details clearly the minimum standards we expect every local authority and Registered Social Landlord Gypsy/Traveller site to meet. The standards address some of the key issues site tenants have raised with us: energy efficiency, safety and security, and maintenance and repairs. It also provides objective indicators so it is clear to everyone whether or not the standards have been met. We will regularly review progress towards implementing this guidance with site tenants, site providers, and other key stakeholders.

Part two of this guidance sets out core rights and responsibilities for site tenants. We want it to be clear to everyone what rights and responsibilities a tenant has. These core rights and responsibilities reflect the minimum standards, and the duties site providers have to treat site tenants fairly and transparently.

This guidance has benefitted from the views and input of key stakeholders with links to the Gypsy/Traveller community, and those with expertise in housing and accommodation. Most important has been the views of site tenants themselves. I thank all of them for playing their part in the process. I believe this guidance will provide a clear benchmark for all sites to meet and contribute to improve the living conditions, and therefore the lives, of site tenants.

Margaret Burgess MSP
Minister for Housing and Welfare

Introduction

1. Many Local Authorities (and one Registered Social Landlord) are responsible for providing and running Gypsy/Traveller sites to help meet the accommodation needs of Gypsy/Travellers in their area. In 2013 the Scottish Parliament's Equal Opportunities Committee (EOC) published a report, *Where Gypsy/Travellers Live*, which examined issues around the quality and quantity of such sites. The report made a number of recommendations to improve Gypsy/Traveller site provision in Scotland.

2. In light of the EOC's report the Scottish Government has taken forward a number of actions relating to Gypsy/Traveller sites. In 2014 we strengthened local strategic planning for accommodation in relation to the needs of Gypsy/Travellers, by publishing revised guidance for Housing Needs and Demand Assessments and for Local Housing Strategies.[1] In 2014/15 we also funded PAS (Planning Aid Scotland) to carry out a project on planning and the Gypsy/Traveller community.[2] We also formed the Gypsy/Traveller Site Working Group, which provided us with expert advice and discussed ways of addressing some of the issues raised by the EOC.

3. Two of the areas highlighted by the EOC were the poor quality of some Gypsy/Traveller sites, and the need for site tenants to have consistent tenancy agreements across the country. In light of those points we have developed this guidance for site providers, which has two sections:

a) minimum site standards for Gypsy/Traveller sites;

b) core rights and responsibilities for site tenants.

Taken together these measures will improve the quality of Gypsy/Traveller sites, and set out for site tenants their rights and responsibilities.

4. Information provided to the Scottish Housing Regulator in 2013/14 indicated that the average weekly rent per pitch in Scotland was £63. The highest weekly rent paid for a pitch was £84, and the lowest was £41. Gypsy/Traveller site tenants are entitled to live on sites that meet minimum standards, and to occupancy agreements that reflect certain core rights and responsibilities.

5. These site standards and core rights and responsibilities were developed with input from:

- Gypsy/Traveller site tenants;
- organisations who work with the Gypsy/Traveller community;
- the Association of Local Authority Chief Housing Officers (ALACHO);
- Convention of Scottish Local Authorities (COSLA);
- individual local authorities;
- organisations with expertise in housing.

[1] The latest guidance on Housing Needs Demand Assessments and The latest Local Housing Strategy guidance

[2] Planning Aid Scotland Guidance.

While developing the guidance officials visited several Gypsy/Traveller sites in different parts of Scotland, to see sites at first hand and discuss the guidance with site tenants.

Terms

6. In this guidance a "site provider" refers to a local authority or Registered Social Landlord (RSL) who provide and run a Gypsy/Traveller site. It does not refer to a private individual or company who provide a Gypsy/Traveller site. The terms "tenant" and "site tenant" in this guidance refer to someone who lives on a Gypsy/Traveller site provided and run by a local authority or Registered Social Landlord. The term "tenancy agreement" in this guidance refers to the agreement between a site provider and an individual for that individual to station a caravan / mobile home on a pitch on such a site and live in that caravan / mobile home as their main residence.

Funding

7. The Scottish Government provides local authorities with a General Capital Grant to fund capital expenditure. It is for each individual local authority to decide how its resources are best used to meet both local needs and national priorities. This includes how much it chooses to allocate to the provision of Gypsy/Traveller sites. The terms and conditions relating to this grant are set out in the General Capital Grant offer letter issued to individual authorities each year.

8. The issue of including income and expenditure relating to Gypsy/Traveller sites in a local authority's Housing Revenue Account (HRA) was raised during the development of this guidance. We understand the case for including finances around Gypsy/Traveller sites in the HRA, and we will explore this further. Consultation with relevant groups (including social housing tenant organisations) will be part of that process, along with examining any implications such a change could have for local government financial arrangements.

Monitoring and Enforcement

9. The Scottish Government will review progress towards implementing this guidance with site tenants, site providers, and other key stakeholders including COSLA and ALACHO. We also intend to consult on linking this guidance to the Scottish Social Housing Charter, as part of the review of the Charter in 2016.

10. The Scottish Housing Regulator is the independent regulator of RSLs and local authority housing services in Scotland. Its objective is to safeguard and promote the interests of current and future tenants, homeless people, and others who use services provided by social landlords. That includes people living on Gypsy/Traveller sites provided by local authorities and RSLs. The SHR collects data annually from local authorities and RSLs, including in relation to Gypsy/Traveller sites. It also undertakes thematic inspections into specific subjects, and plans to publish a thematic inspection into Gypsy/Traveller sites later this year. The Regulator publishes its findings, and submits an annual report to the Parliament on how it has performed its functions.

11. All sites should meet the minimum standards, and have tenancy agreements that reflect the core rights and responsibilities, by June 2018. If at that time a site tenant believes that a site provider has not met the minimum standards their first step would be to raise the issue with the site provider. If the site tenant is not satisfied with the site provider's response they may wish to make a formal complaint, using the site provider's formal complaint procedure. If a site tenant reaches the end of the site providers complaints procedure and is still not satisfied they may want to refer the complaint to the Scottish Public Services Ombudsman, at 4 Melville Street, Edinburgh EH3 7NS, telephone 0800 3777 330, or email: enquiries@scottishombudsman.org.uk. A site tenant can also report a Significant Performance Failure to the SHR. A Significant Performance Failure would be something that a site provider does, or fails to do, that puts the interests of its tenants or service users at risk and will affect many, or all, of the site provider's tenants or service users. Further information on a Significant Performance Failure is available on the SHR website. A site tenant may also wish to approach a professional advice organisation for help, such as Citizens Advice Scotland (telephone 0808 800 9060) or Shelter (telephone 0808 800 4444).

Mobile Home Legislation and Gypsy/Traveller Sites

12. A Gypsy/Traveller site run by a local authority does not need to have a caravan licence under paragraph 11 of schedule 1 to the Caravan and Control of Development Act 1960. However many of the implied terms contained in Part 1 of Schedule 1 to the Mobile Homes Act 1983 (c.34) (which were amended by the Mobile Homes Act 1983 (Amendment of Schedule 1) (Scotland) Order (SSI 2013/219)) do apply to tenancy agreements entered into by site tenants. This means that the terms of any tenancy agreement they have with the site provider should reflect these rights.

13. The Mobile Homes (Written Statement) (Scotland) Regulations 2013 contain a statement of those implied terms. The majority of them apply to those living on local authority and RSL Gypsy/Traveller sites. These rights automatically apply to site tenants, and cannot be overridden. Some of the key rights are:

- for a site tenant to be able, on request, to see documentary evidence for anything for which they pay the site owner, including charges for services the site owner provides (e.g. gas and electricity);
- to have parts of the site for which the site provider is responsible maintained in a clean and tidy condition;
- the site provider may only a pitch to read meters and deliver post between 9am and 6pm, other than to carry out essential and emergency works.

14. This guidance, including the core rights and responsibilities, has been developed with an awareness of the implied terms, and should not cut across their provisions.

New Sites

15. These minimum site standards sites are focussed on ensuring existing sites are of a reasonable quality. All new Gypsy/Traveller sites should also meet these standards. Consultation with the Gypsy/Traveller community will be key in the development of the facilities and services on any new sites, and site providers should develop proposals in discussion with existing and potential site tenants.

Section 1 – Minimum Standards for Gypsy / Traveller sites

Purpose

16. This guidance sets out minimum site standards for Gypsy/Traveller sites provided by Local Authorities and Registered Social Landlords.

Background

17. Many Local Authorities and one Registered Social Landlord ("site providers") are responsible for running Gypsy/Traveller sites. Tenants living on such sites pay pitch fees and council tax, and have a right to expect a standard of service, and quality standards, similar to that of social housing tenants.

18. This guidance therefore sets out the standards we expect site providers to meet. Gypsy/Traveller site tenants have a right to decent quality accommodation, and the standards set out a minimum level of standards that all sites are expected to meet. There will already be sites where these standards have already been obtained, and the focus of this guidance is on ensuring that all sites meet specified minimum standards. The core rights and responsibilities for site tenants, in section 2 of this guidance, reflect these minimum standards.

Minimum Standards

19. The minimum standards cover two broad areas:

- physical facilities and fabric, including the quality of fixtures and fittings, lighting, heating, and a hot and cold water supply; and
- services provided by the site provider and how it treats site tenants.

20. Within the two broad areas above the standards have seven parts:

i. Essential Fabric Standards
ii. Energy Efficiency
iii. Facilities and Amenities
iv. Safety and Security
v. Maintenance and Repairs
vi. Fair Treatment
vii. Consultation

21. Annex A sets out the standards in more detail, and includes indicators to help site providers and others determine whether a standard is being met. There is a general introduction to each part below, and notes on any additional issues that a site provider should consider and take into account.

Essential Fabric Standards

22. These set out basic structural standards that Gypsy/Traveller sites should meet. These include things such as amenity blocks being structurally sound, with good roofs, no damp, and good quality windows and doors. Further details are provided in the Annex A.

Energy Efficiency

23. Site tenants often spend considerable time preparing food and bathing in amenity blocks, particularly those with young children. Amenity blocks on sites should therefore meet an appropriate energy efficiency standard. Details of the standard are set out in Annex A.

24. Ideally site tenants should be able to choose their energy supplier, but we appreciate that will not be technically possible at many sites. In light of that when a site provider has a choice of energy supplier for a site, affordability for site tenants should be one of the criteria the site provider applies in deciding who to appoint.

Facilities and Amenities

25. It is important that good quality facilities and amenities are provided to site tenants. This standard therefore covers things such as providing a wholesome water supply, a suitable number of electrical sockets, and adequate food storage space. It also includes the need for good quality fittings, and basic requirements such as the need for a toilet and washhand basin. Further details are provided in the Annex A.

Safety and Security

26. Sites should be safe and secure. This includes safety measures such as electrical and gas inspections at regular and planned intervals (annually for gas and 5 yearly for an electrical system). Adequate smoke alarms/detectors should also be provided in the amenity block, and the requirements of the Fire (Scotland) Act 2005 should be met. Appropriate road safety measures should be in place, with speed limits and other measures as necessary (for example to reflect the fact that many sites will have young children living on them). Lighting should also be provided for common parts of sites (such as roads and children's play areas). Further details are provided in the Annex A.

27. Many sites include a barrier that can be used to limit access to a site. Site providers should consult with site tenants about whether and when such barriers are used. If a barrier is used it is important that arrangements are made for emergency access to the site at all times (e.g. for emergency services).

28. Site providers should discuss with site tenants the possibility of fitting fences around pitches, with gates. This can add to a feeling of security for site tenants, and can be a sensible measure for the safety of young children.

Maintenance and Repairs

29. There should be regular, planned, maintenance of the site and its facilities. This should include maintenance of shared areas, amenity blocks, and hard standings. On-going maintenance should be a normal part of the service site tenants receive in return for the pitch fees they pay. Unused pitches should be kept clean and tidy, to create a more pleasant living environment for site tenants. Caravans that are clearly abandoned should be removed from a site.

30. Repairs are separate from standard site maintenance. Repairs will result from something that needs to be addressed outside of a routine maintenance programme, either as a result of being reported by a tenant or identified during routine maintenance.

31. Site providers should apply the same timescales for repairs on Gypsy/Traveller sites as they do to repairs for social housing tenants. Site tenants should be given information that sets out the timescales for repairs, and how to report a repair. Site tenants should be included in any consultation by a site provider on repair timescales in their area. Site providers should be aware of the need to give 14 days' written notice of repairs, other than essential repairs or emergency works, under the implied terms in the Mobile Homes Act 1983.

32. Income from pitch fees will assist site providers with the costs of maintenance and repairs. However site fees should be set at a reasonable level, and it will not generally be appropriate to pass the entire cost of significant work carried out to a site (for example, fitting new amenity blocks) on to site tenants in their pitch fees.

Fair treatment

33. Site tenants should be treated fairly by site providers. This reflects outcome 1 of the Scottish Social Housing Charter[3]. Under the Charter social landlords should perform all aspects of their housing services so that "every tenant and other customer has their individual needs recognised, is treated fairly with respect, and receives fair access to housing and housing services."

34. This fair treatment should be shown in how site tenants are treated by the site provider, and includes the transparent and fair allocation of pitches and the termination of a tenancy agreement. As part of this standard rents and service charges should provide value for money for site tenants, as covered by outcome 13 in the Charter. Site providers should also have a formal complaints procedure in place, and details on how to make a formal complaint should be provided to site tenants.

35. Site providers should consider sympathetically any request from a site tenant for an amenity block and external parts of a pitch to be adapted to meet their needs (or the needs of a family member living with them). Gypsy/Travellers who need such adaptations to enable them to continue living on a site should have their views carefully considered by the site provider, and where possible appropriate adaptations should be made.

36. It is important that people carrying out work on a Gypsy/Traveller site, whether from the local authority or another contractor, are respectful of site tenants and their culture. Site providers should therefore ensure that those carrying out work behave appropriately when on a site. Other than for emergency repairs site tenants should also be told in advance who will be coming to carry out the work, and when.
Consultation

[3] The Scottish Social Housing Charter.

37. Site tenants should be consulted about the site owner's policy on repairs and maintenance, rents and service charges made by the site owner, and whether the services site tenants receive reflect value for money. They should also be made aware of any significant changes to the site being considered by the site provider, such as plans to increase the number of pitches on a site. This reflects outcomes 3, 14 and 15 in the Scottish Social Housing Charter which cover participation, rents, and service charges.

Scottish Social Housing Charter

38. As referred to above many of the Scottish Social Housing Charter outcomes and standards apply to tenants of Gypsy/Traveller sites. These include the outcomes related to equalities, communication, participation, value for money, and rents and service charges. Site providers should ensure they are meeting the relevant Charter outcomes in their services, and the way they are being provided, as part of their general work to meet the outcomes in the Charter. These minimum standards reflect the outcomes in the Charter.

39. The Charter will be reviewed during 2016 so that Scottish Ministers can take the review's findings into account in preparing a revised Charter. The revised Charter will take effect from 1 April 2017. As part of that review the Scottish Government will consult on linking the standards to the Charter. Such a link would give the minimum standards the same status as the Scottish Housing Quality Standard has for social housing tenants.

Sites with Mobile Homes / Chalets

40. On some sites mobile homes with bedrooms (also known as chalets) have replaced more traditional caravans. In that case the parts of the minimum standards that apply to amenity blocks should be taken as applying to the chalet.

Timescales

41. We want to allow reasonable time for site providers to assess the quality of their Gypsy/Traveller sites and bring them up to the minimum standards. Site providers therefore have until 30 June 2018 to make sure all sites meet the minimum standards. If a site is clearly of poor quality we would expect a site provider to take action to address that within a short period of time, regardless of the 2018 timescale.

Next steps

42. Site providers should carry out an assessment of their site(s), and any work needed to ensure a site meets these minimum standards, by the end of 2015. Site tenants should be involved in reviewing the standard of a current site, and have the opportunity to contribute their views on what work needs to be undertaken and in what timescale.

43. Following the initial assessment site providers should undertake a regular inspection walking around a site to identify repairs and maintenance that needs to be undertaken. This should be carried out at least twice a year, and ideally more

frequently. It is good practice for such an inspection to include site residents, the site manager, and relevant officials from the site provider.

Annex A - Minimum Site Standards and Indicators

Table 1: Description of Essential Fabric indicator and notes

Essential Fabric	Notes
Amenity blocks are structurally sound, with good quality foundations, floors, and walls	Problems with the wall structure can be detected by: vertical or diagonal cracking, inadequate expansion joints or inadequate fixings between components, wall tie corrosion, twisted, cracked, overloading or slipped lintels due to settlement, bowing of walls and over sailing of walls at Damp Proof Course level. Problems with floors include possible rotting of an underlying wooden floor structure or sloping floors. Concrete floor structure problems would include serious cracking. Problems with the foundations can be detected by vertical or diagonal cracking of the wall structure.
Pitches have an area of hardstanding, of suitable size and quality to tolerate weight of caravans (with contents), and cars or vans / light commercial vehicles. Suitable anchor points are provided, if necessary.	Each pitch should have an area of hardstanding of suitable construction and quality that it is able to tolerate the weight of at least one caravan with occupants. Pitches should be of a size that enables at least one caravan and car or vans/light commercial vehicle to fit on the pitch, with sufficient room left to allow site tenants and vehicles to move around, and on and off, the pitch as necessary.
Amenity block roofs are structurally sound, in good repair, and keep out water.	Problems with a roof can be detected by: sagging of roof structure by ponding; humping of the roof over internal load bearing walls and/or party walls; spreading outwards of the roof structure at the eaves. Problems with the principal roof covering and roof edges could include missing, broken or slipped slates or tiles; also including broken or slipped ridge tiles and hips; torn or cracked flat roof coverings.

Essential Fabric	Notes
Rising damp and penetrating damp are not present in amenity blocks.	Rising damp is caused by defects in the Damp Proof Course, or in older homes the lack of a damp proof course. Penetrating damp is caused by defects in the roof, the exterior walls, rainwater gutters and downpipes, or missing flashings. Mould can also be evidence of condensation, which can be avoided by adequate ventilation (e.g. windows that open or extractor fans).
Appropriate arrangements have been made for foul and surface water drainage, including gutters and downpipes for amenity block roofs.	Problems include cracked or corroded gutters or downpipes; loose or defective brackets; and missing fittings.
Windows and doors of amenity blocks are of a good quality.	Problems could include distorted or unseated window / door frames; rotted sills or sub sills; broken panes of glass; corroded, rusting or rotten ironmongery; defective, damaged or missing seals or putty, and disrepair to screens, windows and roof lights.
Access roads, and roads and paths on the site, are of good quality.	Access roads and paths should be well maintained and safe, taking into consideration road surface, lighting, verge/grass cutting, and tree pruning. This is especially important where site tenants do not have easy access to public transport, and children need to travel to school. Arrangements should be made to enable gritting of roads and paths in freezing conditions.

Table 2: Description of Energy Efficiency indicator and notes

Energy Efficiency	Notes
Amenity blocks should meet an energy efficiency rating of band E or better.	Measures that would enhance energy efficiency might include more loft insulation, a highly efficient heating system, introducing low energy lighting, double or triple glazing. Energy efficiency bands are defined in the Standard Assessment Procedure (SAP) for assessing the energy performance of dwellings and are recorded in Energy Performance Certificates (EPCs). Band E is defined as a SAP rating of 39 to 54 in SAP 2005-2012.

Table 3: Description of Facilities and Amenities indicator and notes

Facilities and Amenities	Notes
The amenity block has a wholesome water supply, with adequate water pressure.	The Water Supply (Water Quality) (Scotland) Regulations 2001 and the Private Water Supplies (Scotland) Regulations 2006 set the standard for 'wholesome' water supplies, and reflect a European Drinking Water Directive. There should be sufficient water pressure to allow appliances in amenity blocks (such as washing machines) to be used normally.
The amenity block has a toilet available for the exclusive use of the occupants of the pitch.	The bathroom's main toilet and related fittings must be in a good and usable condition.
Amenity block fittings (including toilet, and any shower or bath) should be of a good quality.	The bathroom hand basin and related fittings must be in good and usable condition.
Amenity block kitchen fittings (such as storage cabinets and worktops) should be of a good quality.	The condition of the kitchen sink and kitchen storage cupboards (primarily doors, carcasses and worktops), and related fittings, should be in good and usable condition.
There should be a hot and cold water supply to amenity block sinks.	The bathroom and kitchen should have a hot and cold water supply to hand basins and the bath/shower which is in good and usable condition.
There should be adequate electrical sockets in the amenity block.	The kitchen must have at least 6 x 13 amp electrical power sockets securely mounted on the wall.

Table 4: Description of Safety and Security Indicator and notes

Safety and Security	Notes
There should be adequate food storage space in the amenity block.	The kitchen must have at least 1m^3 of food storage space either in the kitchen itself or immediately adjacent to the kitchen.
There are adequate and appropriately located carbon monoxide detectors and alarms.	There should be a carbon monoxide detector in every room in an amenity block that contains a carbon-fuelled fixed combustion appliance, other than an appliance used solely for cooking, and in any room which is frequently used by the site tenant(s) for general daytime living purposes.
There are adequate and appropriately located smoke alarms/detectors. Site providers should also meet their duties under the Fire (Scotland) Act 2005.	In relation to an amenity block there must be at least: • one functioning smoke alarm in any room which is frequently used by the site tenant(s) for cooking and/or general daytime living purposes; and • one heat alarm in every kitchen. Site providers should also meet their duties under the Fire (Scotland) Act 2005 in relation to fire safety assessments.
There is a safe electrical system, inspected once every 5 years.	The electrical system in the amenity block and elsewhere on the pitch must not be dangerous to the inhabitant as indicated by: broken casings; damaged power socket boxes; exposed wiring; other obvious signs of damage, disrepair or unauthorised alterations, especially to the consumer/meter units.
There is a safe gas/oil system (if used) and appliances. There is a gas inspection (if applicable) once a year.	The gas or oil system in the amenity block and elsewhere on the pitch must not be dangerous to the inhabitants as indicated by problems such as: wall mounted boilers in danger of detaching; rusted boilers or tanks; leaking oil tanks or pipes; holes in gas flues; balanced gas flues with unsafe guards; balanced gas flues with incorrectly positioned guards; smell of gas/oil around boiler.

Safety and Security	Notes
There is good quality lighting of common parts of the site.	There must be adequate common or public lighting on the site.
There are appropriate road safety measures in place for roads on the site.	Appropriate measures should be in place to ensure road safety, such as speed limits and speedbumps, and appropriate signage (such as indicating to drivers that children may be playing, and to drive slowly).

Table 5: Description of Maintenance and Repair Indicator and notes

Maintenance and Repair	Notes
Repairs are carried out in line with timescales set locally for repairs for social housing tenants.	Site tenants should be given information on how to report a repair, and the timescales within which a repair should be carried out. Site tenants, along with other service users, should be consulted about the timescales for repairs.
There are adequate and good quality drainage arrangements to allow rainwater to safely drain off the site.	This includes appropriate arrangements (e.g. storm drains) to deal with heavy rainfall. There should be regular maintenance of drainage systems to ensure they are working properly.
Common parts of the site are kept in good condition, including any common areas, paths, roads, and children's play parks.	A twice yearly informal inspection should be held of the site, to identify necessary maintenance and repairs.

Table 6: Description of Fair Treatment Indicator and notes

Fair Treatment	Notes
Site tenants are treated fairly and with dignity by the site provider. Each tenant's individual needs are recognised, they are treated fairly and with respect, and receive fair access to accommodation.	Site tenants must be treated with respect and fairness by the site provider. There should be a clear, objective, and transparent process for the allocation of pitches, and for any procedures to ask a court to terminate a person's tenancy on a pitch. Individual needs in relation to the case for adaptations to an amenity block, or the external area of a pitch, should be considered. Rents paid for pitches should provide value for money for site tenants.

Table 7: Description of Consultation Indicator and notes

Consultation	Notes
Gypsy/Travellers site tenants find it easy to communicate with the site provider, and get the information they need.	Site tenants are consulted about: • rent levels, and any plans to increase them. • any proposed significant changes to the site (e.g. more pitches). • other changes in the local area that will have an impact on the site, e.g. planning applications on adjacent land.

Section 2 - Core Rights and Responsibilities for Gypsy/Traveller Site Tenants

Purpose

44. This guidance sets out core rights and responsibilities we expect to be part of tenants' occupancy agreements with site providers.

Background

45. Gypsy/Traveller site tenants each have their own individual occupancy agreements with the site provider. This will set out the contract between the site provider (the LA or RSL) and the site tenant, and cover things such as use of facilities, repairs, payment for pitches, and arrangements for ending a tenancy. There is currently little consistency of approach in terms of tenancy agreements, with each site provider developing their tenancy agreement in isolation from other providers.

46. This approach has meant that Gypsy/Traveller site tenants have lacked a central document that sets out their core rights and responsibilities, and what they can expect at any Gypsy/Traveller site in the country. This has been in contrast to tenants of social housing, who are able to refer to the legal framework for the Scottish Secure Tenancy (SST) which sets out certain rights and responsibilities.

47. There have been calls over recent years to introduce the kind of consistency that social tenants have with the SST to Gypsy/Traveller site tenants, most recently in the report *Where Gypsy/Travellers Live*. Following the EOC report the Government convened the Gypsy/Traveller Site Working Group to consider issues around Gypsy/Traveller sites, and potential ways forward, including the issue of site occupancy agreements.

48. In light of the Group's discussions the Scottish Government has decided to set out core rights and responsibilities for site tenants. These have been discussed with Gypsy/Traveller site tenants, and developed with input from housing professionals, stakeholders with links to the Gypsy/Traveller community, and others. Officials also took into account the terms of the occupancy agreements already developed by site providers.

Core Rights and Responsibilities

49. Annex B sets out the core rights and responsibilities for tenants of Gypsy/Traveller sites provided by local authorities and RSLs. It has been written from the perspective of a site tenant, to provide straightforward information on their rights and responsibilities.

50. In summary the core rights and responsibilities cover:

- Fair treatment. The need to treat site tenants fairly;

- Amenity block standards. The need for amenity blocks to meet certain specific standards;
- Repairs. Timescales for carrying out repairs;
- Ending a tenancy. Arrangements for ending a tenancy, and for a tenancy to be passed on;
- Consultation. The need to consult site tenants about specified matters;
- Information and complaints. The need to provide written information and a complaints procedure;
- Behaviour. Minimum standards of behaviour expected from a site tenant;
- Care of a pitch. Expected standards of care of a pitch
- Leaving a pitch. Arrangements for leaving a pitch.

51. We expect site providers to reflect these core rights and responsibilities in their occupancy agreements. These set out what Gypsy/Traveller site tenants should expect, and what is expected of site tenants themselves. This will introduce consistency across Scotland in what rights and responsibilities site tenants can expect, while allowing site providers suitable flexibility to produce occupancy agreements that reflect local circumstances. The core rights and responsibilities reflect the minimum standards in section 1 of this guidance, where relevant. For sites which are only open part of the year the site provider will have to decide how best to reflect the rights around ending a tenancy into their occupancy agreements, given that pitches on such sites are not occupied all year round.

52. Where appropriate the core rights and responsibilities reflect the content of SST. However not all the provisions in an SST are relevant to the different context of Gypsy/Traveller sites, and there are some provisions in the core rights and responsibilities that reflect the lifestyle of those living on Gypsy/Traveller sites.

53. The core rights and responsibilities cover the issue of ending a tenancy, and the grounds on which a site provider can do so. We would view a site provider asking a court to end a tenancy as a last resort, once all other measures have been exhausted, and would encourage site providers to address issues with a site tenant at an earlier stage. For example anti-social behaviour could be addressed through warnings, mediation, acceptable behaviour contracts and other means, and if a tenant is in arrears a site provider should provide reasonable help and support to the tenant to enable them to pay back the debt. However there will be situations where eviction is appropriate, for example in situations where a tenant's behaviour is causing considerable and prolonged distress to others on the site.

54. Site providers should make site tenants aware of their policy on recharges for repairing damage to a site that is not accidental. Such recharging might include activities such as clearing rubbish from the site, repairing wilful damage to amenity block fixture and fittings, or replacing lost keys.

Scottish Social Housing Charter

55. The Scottish Social Housing Charter applies to site tenants as it does to tenants of social housing. Outcomes such as 1, 2, 3, 5, 13, 14 and 15 in the Charter will be relevant to site tenants, and site providers should ensure they are meeting those outcomes in relation to site tenants. The Scottish Housing Regulator is aware of this guidance, and please see paragraphs 9 to 11 above for more detail on their role.

Next Steps

56. We expect site providers to examine the current occupancy agreements they have in place with Gypsy/Traveller site tenants, to see if they reflect the core rights and responsibilities in this guidance. If they do not we would expect site providers to issue new occupancy agreements that do, while ensuring that site tenants do not suffer any detriment from the new agreement. We expect all site providers to have issues any new agreements by 30 June 2018 at the latest.

57. We will be producing easily accessible information for site tenants for distribution later this year. This will provide them with information on the core rights and responsibilities. However site providers may wish to provide site tenants with information before then, informing them of the core rights and responsibilities and the action you are taking as a site provider to make sure they are reflected in tenants' occupancy agreements.

Annex B - Core Rights and Responsibilities for Gypsy/Traveller Site Tenants

Rights

Fair treatment

- The site provider must treat you fairly and must not unlawfully discriminate against you.

Amenity Block standards

- The site provider will keep in good repair the structure and exterior of the amenity block, so it is wind and watertight.

- The site provider will keep in repair and proper working order any facilities in the amenity block provided by the site provider for:
    - the supply of water, gas, and electricity;
    - sanitation (for example sinks, baths, showers, toilet);
    - hot water heating;
    - space heating (for example central heating).

- There will be an annual inspection of any gas supply, and a 5 yearly electricity inspection.

Repairs

- The site provider will carry out repairs and other work necessary to keep the amenity block and hard standing area of your pitch at a reasonable standard.
- Repairs will be carried out within the timescales set locally for repairs for social housing tenants. The site provider must tell you what these timescales are and how to report a repair.
- The site provider must include you in any consultation on repair timescales in their area.

Ending a Tenancy

- The site provider can only end your tenancy if:
    - you or a member of your household has breached the terms of your Agreement. This includes not paying your rent, or failing to meet the Responsibilities set out below;
    - the pitch has been allocated to you as a result of false information given by you in your application for the pitch;
    - the site provider has reasonable grounds for believing you have abandoned the pitch, as you have not used the pitch for 7 consecutive weeks and have not told the site provider you will be away;

- In some situations the site provider will have to go to Court before they can end your tenancy. You have the right to defend any legal action taken by the site provider against you.

- The site provider must give you written notice that they intend to end your tenancy, or have asked a court to do so. They must say on what grounds they are seeking to terminate your tenancy.

- The site provider should have an internal appeal process that you can use to appeal against a decision to end your tenancy. They should provide you with details of this process when they tell you they have decided to end your tenancy.

- On your death the tenancy agreement for the pitch can be passed on to:
  a) an occupant's spouse or your civil partner who is residing with you. If this does not apply the tenancy passes on to:
  b) a member of your family who is residing with you. If this does not apply the normal law covering inheritance will apply.

Consultation

- The site provider must consult you in advance about repairs, proposed increases to rent levels, and other significant issues affecting those living on the site. Your views must be taken into account.

Information and Complaints

- The site provider must provide you with a written tenancy agreement, information about how to make a formal complaint about the site provider, and information on your rights and responsibilities. The site provider must provide you with information on how they allocate pitches, if you ask them for it.

- The site provider must provide you with information on how to operate the appliances and systems in the amenity block.

Responsibilities

Behaviour

- You must take reasonable care to prevent damage or injury to the pitch, common parts, and others on the site. The site provider will not be responsible for repairing damage caused wilfully or negligently by a pitch tenant or visitor. You will be responsible for reasonable costs the site provider incurs in repairing wilful damage.

- You are responsible for the behaviour of any animals kept on your pitch, and the pets or other animals of anyone who visits you on your pitch. This includes taking reasonable care to avoid pets fouling or causing damage to the pitch, someone else's pitch, or common parts of the site.

- You must take reasonable care that your rubbish and recycling is put out for collection in line with the requirements on the site, including any arrangements in place for the recycling and removal of gas bottles.

- You and your visitors must not harass or act in an anti-social manner towards any person on the site or in the neighbourhood. Anti-social behaviour would include activities such as making excessive noise, causing nuisance or annoyance to other people, possession of illegal substances, or allowing your pitch to be used for illegal or immoral purposes.

Care of your pitch

- You must report to the site provider as soon as reasonably possible any damage to your pitch, amenity blocks, or common parts.

- You must take reasonable care of the pitch, including carrying out minor repairs and internal decoration.

- You must allow access to enable any repairs or maintenance to be carried out by the site provider, provided the site provider has given you reasonable notice, unless the repair is urgent.

Leaving a pitch

- You must tell the site provider if you will be away from your pitch for more than 4 consecutive weeks.

- Before moving out of a pitch you must:
  - give the site provider notice that you will be leaving. (Your tenancy agreement will set out how long the notice period is);
  - remove all your belongings and ensure the pitch is left clean and tidy;
  - hand in keys to the site provider or their representative;
  - check with the site provider that you have paid all payments due to them;
  - do any repairs you are obliged to do;
  - provide a forwarding address or other means of contact.

Annex C – Standards for investigating and commencing repairs to damp and mould on publicly provided Gypsy/Traveller sites (Awaab's Law)

The standards in this Annex will apply to Gypsy/Traveller sites provided by local authorities and Registered Social Landlords (RSLs) from 6 October 2026.

This introduces standards for Gypsy/Traveller site providers to investigate and commence repairs to damp and mould on sites within set timescales.

The Scottish Government will issue separate guidance to assist social and private landlords to comply with their new duties under the Investigation and Commencement of Repair (Scotland) Regulations 2026 which come into force on 6 October 2026. For the avoidance of doubt, these regulations do not apply to Gypsy/Traveller sites. Please see Annex A within the separate guidance document with regard to publicly provided Gypsy/Traveller sites.

Standards

1. If the site provider is notified by the site tenant, or otherwise becomes aware, that accommodation provided by the site provider is or may be affected by damp or mould, the site provider must ensure that an investigation is carried out by a competent person within the period of 10 working days beginning with the day after the day on which the site provider is notified, or otherwise becomes aware, that the accommodation is or may be affected by damp or mould.

2. The site provider must give the site tenant a written summary of the results of the investigation within the period of three working days beginning with the day after the day on which the investigation is completed.

3. If an investigation determines that a repair is required in relation to the accommodation, the site provider must ensure that the repair is commenced within the period of five working days beginning with the day after the day on which the investigation is completed.

4. If, due to circumstances beyond the control of the site provider, the site provider is unable to comply with the timescales set out above, the site provider must:

    (a) give notice to the site tenant specifying –

        i. that the site provider is unable to comply with the requirement in question within the specified period, and the reason why, and
        ii. the period within which the site provider considers that the site provider will be able to comply with the requirement,

    (b) ensure that, until the site provider is able to comply with the duty, reasonable steps are taken where practicable to minimise the extent to which the accommodation is affected by damp or mould.

5. The site provider must ensure that following a repair that:

(a) the accommodation is substantially free from damp and mould, and
(b) so far as reasonably practicable, the accommodation will continue to be substantially free from damp and mould.

Definitions

With regard to these standards :

“accommodation” means a building or structure provided by the site provider for the use of the site tenant for living purposes – this may be an amenity block that provides kitchen, bathroom and possibly living space for the tenant or a chalet/mobile home that provides kitchen, bathroom, living and sleeping space for the site tenant. These standards do not apply to forms of accommodation provided by the site tenant themselves.

“competent person” means a person who, in the reasonable opinion of the site provider, has the skills and experience necessary to determine whether accommodation is affected by damp or mould.

“repair” means, in relation to the accommodation provided, repair to ensure that the accommodation —

(a) is substantially free from damp and mould, and

(b) so far as reasonably practicable, will continue to be substantially free from damp and mould.

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