



**Gypsies and Travellers:
A strategy for the CRE, 2004 - 2007**

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1. Introduction

All the evidence shows that Travellers and Gypsies are some of the most vulnerable and marginalised ethnic minority groups in Britain. 'No Travellers' signs in pubs and shops can still be seen today, and councils no longer have a statutory duty to provide sites for Gypsy and Traveller families, spending small fortunes each year evicting them, instead. Gypsy and Traveller children are taunted and bullied in school, local residents are openly hostile to them, and scare stories in the media fuel prejudice and make racist attitudes acceptable.

This strategy sets out:

- how we will use our statutory powers under the Race Relations Act to help eliminate the long-standing disadvantage and discrimination experienced by Gypsies and Travellers in Britain, make sure they receive equal opportunities and fair treatment, and promote good relations between Gypsies and Travellers and other groups;
- the outcomes we hope to see in racial equality for Gypsies and Travellers, and in better relations between them and other communities; and
- the action we will take over the next 3 years to realise these outcomes.

We consulted widely on the strategy, holding meetings in Perth, Edinburgh, Cardiff, Manchester, Birmingham and London. We also sent cassette summaries of the strategy to Gypsies, Travellers and their support groups, and invited telephone and written responses. We are grateful for all the comments and views we received – from Gypsies and Travellers, Gypsy and Traveller organisations and support groups, local and other public authorities, and other agencies interested in policy in this area. We hope the strategy now reflects their views, and the concerns they raised.

This strategy applies to England . Sections 1-8 discuss the situation in Wales and Scotland, although an adapted version is being produced for Wales and a separate strategy is being produced for Scotland. We shall also be producing detailed action plans each year.

2. Our role, mission and priorities

The Commission for Racial Equality (CRE) is a publicly funded, non-departmental public body, set up under the Race Relations Act 1976 to tackle racial discrimination and to promote equal opportunities and good race relations. Our purpose is to:

... promote good relations between and within all communities and prevent racial discrimination in all its forms, using the power of persuasion where possible and the power of the law where necessary. We will work in partnership with other public agencies as well as the private and voluntary sector, and focus our resources to achieve maximum impact.

Our strategic objectives for 2003-2006 are to:

- take the lead in promoting good relations between communities;

- improve equal opportunities in the private sector;
- help public authorities meet the duty to promote race equality;
- make strategic use of all our legal powers to challenge racial discrimination; and
- make sure the CRE is respected, and valued for its work.

We achieve these objectives in various ways.

- We provide information and advice to people who think they have suffered unlawful racial discrimination or harassment.
- We work with public authorities, businesses, and other organisations to promote policies and practice that will help them to work within the law, ensure equal treatment for all, and encourage good relations between people from all backgrounds.
- We publish statutory and non-statutory guidance, conduct research and campaign to raise awareness of race issues, and we encourage organisations and individuals to play their part in creating a just society.
- We make sure that all new laws take full account of the Race Relations Act and the protection it gives against unlawful racial discrimination.
- We fund organisations to develop and deliver local racial equality services.
- We keep the Race Relations Act under review, and recommend amendments to the government.
- We work closely with other equality and human rights organisations, particularly in areas where the Human Rights Act 1998 reinforces the provisions of the Race Relations Act, for example Gypsies' and Travellers' right to family life and to education.

3. Scope of the strategy

The Race Relations Act 1976 (the Act) makes it unlawful to treat someone less favourably on grounds of colour, race, nationality or ethnic or national origins. A racial group is a group of people defined by one or more of these characteristics, and is protected by the Act.

Of the 200,000 to 300,000 Travellers in England, by far the largest group are Romany Gypsies, who have been in England since the early 16th century. Romany Gypsies have been recognised in law as a racial group since 1988 (*CRE v Dutton*). Irish Travellers, who have been travelling in England as a distinct social group since the 1800s, received legal recognition as a racial group in England and Wales in 2000 (*O'Leary v Allied Domecq*).

This strategy covers both these groups, whether nomadic or partly nomadic, or no longer living a nomadic way of life but settled in housing or caravans on public or private sites. The strategy also covers Gypsy and Traveller groups defined by their ethnic or national

origins, such as Scottish Travellers. The Equal Opportunities Committee of the Scottish Parliament has recommended that Gypsy Travellers in Scotland should be regarded as a racial group in framing policies and legislation on public services in Scotland.

This strategy does not cover the several thousand Travellers known as 'New' Travellers or Occupational Travellers, who live and work in fairground, circus and waterway communities. This is because our statutory remit is restricted to working on behalf of racial groups, not wider social groups. However, we are confident that important aspects of this strategy, such as our efforts to ensure adequate accommodation for Gypsies and Travellers, and to improve media reporting and public attitudes, will have benefits for all Gypsies and Travellers. We shall also ensure that our work does not, intentionally or otherwise, harm Traveller groups that are not formally defined as racial groups.

We use the term 'Gypsies and Travellers' to mean the Travelling groups covered by this strategy. The terms commonly used in Wales and Scotland are Gypsy-Traveller, and Gypsy Traveller, respectively.

4. EU enlargement

On 1 May 2004, the residents of the ten countries joining the EU will acquire the right to move freely between all the member states. Roma Gypsies and other Travellers will be among those taking advantage of this to move to the UK. They may have little in common with Britain's indigenous Gypsy and Traveller populations, as most Roma Gypsies and Travellers from other EU countries are not nomadic. There are no reliable estimates as to how many of them will exercise their new rights, but experts have predicted that it is unlikely we will see large-scale immigration by this group. They give three reasons for this:

- the vast majority of Roma in Central Europe and the Baltic states are settled and have strong ties to their local area;
- those who wish to migrate have probably used whatever means possible to do so already; and
- Roma and other groups are far more likely to exercise their right to freedom of movement by working or trading in countries nearest to them.

However, there is justified anxiety that biased and inflammatory media stories could stoke up hostility towards those who do move to the UK, vilifying them both as immigrants and Gypsies or Travellers, and that indigenous Gypsies and Travellers could suffer from a backlash.

We are currently developing strategies for our work on promoting racial equality in Europe and on immigration and asylum in Britain, and will ensure that they are properly coordinated with this strategy.

5. Previous CRE activity

Over the years we have taken various steps to confront the persistent inequalities between Gypsies and Travellers and other groups in all walks of life. While we might have made

more rapid progress had our interventions been more strategic or systematic, they did nevertheless include some notable achievements, as we describe below.

- We used, and continue to use, our legal powers to challenge unlawful racial discrimination against Gypsies and Travellers. In particular, we supported two landmark cases which secured recognition for Romany Gypsies (*CRE v Dutton*, 1988) and Irish Travellers (*Kiely and others*, 2000) as racial groups protected by the Race Relations Act. We have responded to 20-30 'No Traveller' signs in pubs and other public places each year.
- We examined the situation of Irish Travellers in our research report on *Discrimination and the Irish Community*(CRE, 1997).
- We published guidance for the media on reporting of Gypsies and Travellers (<http://www.cre.gov.uk/media/guidetj.html>).
- We published a feature on the appalling plight of Gypsies and Travellers in Britain in *Connections* (Autumn 1998), our quarterly magazine.
- We made sure our guides for public authorities to the race equality duty made specific reference to their responsibilities towards Gypsies and Travellers.
- We drew attention to the effects that legislative and policy proposals would have on Gypsies and Travellers in our responses to government and other consultations.
- We responded to consultations by the Scottish Parliament's Equal Opportunities Committee and the National Assembly for Wales' Equality of Opportunity Committee on their policies in relation to Gypsies and Travellers.

6. The context

This strategy is based on an examination of the main areas where Gypsies and Travellers have experienced seemingly intractable problems:

- population and population records;
- race relations and public attitudes;
- accommodation;
- education;
- employment;
- health; and
- criminal justice.

Population and population records

Estimates of the size of Britain's Gypsy and Traveller population vary. There are no official figures at present. In 1987, the Council of Europe put the figure at 300,000, with 200,000 living in settled housing. More recently, Morris and Clements (September 2002) estimated a population of 'no more than 300,000' Gypsies and Travellers. This would make the community similar in size to Britain's Bangladeshi population (280,000), and substantially smaller than the Black Caribbean and Indian groups. The only official source of information we have is the twice-yearly Gypsy count, coordinated by the Office of the Deputy Prime Minister (ODPM) in England, and the Gypsy Traveller count, coordinated by the Scottish Executive in Scotland. The count is based only on the number of caravans, and the families, adults and children living in them at the time of the count, and does not include Gypsies and Travellers living in houses. Gypsies and Travellers themselves are rarely directly involved in the count and their support groups in England and Scotland have expressed strong reservations about its accuracy. The count in Wales was discontinued altogether in 1997.

The absence of reliable national data on the size of the Gypsy and Traveller population is mirrored in the lack of information about them in important areas such as employment and the provision and use of public services. The problem is that Gypsies and Travellers are rarely included as separate racial groups in national, local or sector-based monitoring systems. This means little is known about their experiences or needs, which therefore tend to be overlooked.

The little evidence we have about these communities comes from various sources, for example: from voluntary organisations set up to deal with Gypsies' and Travellers' concerns; from studies of specific aspects of their life, such as accommodation, planning, education, health, and welfare; and from the complaints we, and others like us, receive about potentially discriminatory treatment against Gypsies and Travellers. The picture they all paint is of unremitting disadvantage, deprivation and indifference.

Gypsy and Traveller organisations have long pressed for the widespread inclusion of distinct and consistent ethnic categories for Gypsies and Travellers within national and local monitoring systems, so that the size of the communities, and the full scale of their potential needs, is on record. One of the obstacles has been Gypsies and Travellers themselves, who can see little evidence that it will benefit them to cooperate, even if they could overcome their distrust of ethnic classification, and their suspicions of the way the data might be used. Our proposals in section 9 of this strategy take account of these factors.

Race relations and public attitudes

In a recent representative poll conducted by MORI in England, more than one-third of the adults who took part admitted to being personally prejudiced against Gypsies and Travellers. This was greater than the levels of prejudice reported towards lesbians and gay men, other ethnic minorities and people with disabilities (Stonewall, 2003).

The bonfire celebrations in Firle, East Sussex, in October 2003, where an effigy of a Gypsy caravan was paraded through the streets before being burned, only served to confirm the extent of open public hostility, especially towards unauthorised encampments.

Discriminatory signs and advertisements in the 1960s were partly the reason for the first race relations legislation in Britain. Forty years on, 'No Travellers' and 'No Caravan-Dwellers' signs still appear, in blatant breach of the law.

The media haven't helped either. The routine use of racist language and vicious stereotypes about Travellers and Gypsies has legitimised public prejudice and made it more difficult for local authorities, who find themselves caught between their responsibilities for planning and housing and hostile demands from members of the public to 'move them on'. In the MORI poll referred to above, the main sources of acknowledged prejudice were newspapers (33%) and television (34%).

In the public mind, Gypsies and Travellers are mainly associated with crime or rubbish. But misconceptions also abound about other aspects of Gypsy and Traveller life, such as the mistaken belief that Gypsies live on public sites rent-free, or that all Gypsies and Travellers are rovers and cannot settle down anywhere. Most people are also quite unaware that discriminatory behaviour towards Gypsies and Travellers could be unlawful. Comments we received when we consulted people on earlier versions of this strategy made it clear that leading figures in the community – for example councillors, head teachers and, especially, MPs – have a responsibility for making sure that the way they represent or influence opinion does not exacerbate tensions between different groups.

'Nimbyism' ('not in my back yard') is widespread, real and deep-seated and any strategy in this area cannot afford to ignore it. The real social problems of inadequate, badly managed or unauthorised accommodation are wrongly construed as problems intrinsic to an entire group of people, to be tackled simply by expelling them. Without enough authorised and suitable sites, there will not be a solution that satisfies everyone. Crucial to this will be the involvement of Travellers themselves, who would receive security for their way of life, while accepting corresponding responsibilities.

Accommodation

Most Gypsies and Travellers in Britain live in houses. We know little about them, or about the reasons for their choice. It is believed, however, that many turn reluctantly to 'bricks and mortar' when they can no longer cope with the pressure of poor health, or the hardship of insufficient site facilities, or caravans that are not designed for disabilities or the frailties of age, or the ordeal of repeated evictions, or the demands of their children's education. Service providers tend not to be very knowledgeable about what might be 'suitable' accommodation, and Gypsies and Travellers who cannot provide for themselves may feel obliged to accept settled housing. However, important case law is currently developing around what constitutes suitable accommodation for Gypsies and Travellers, particularly in the context of homelessness,¹ and local authorities may have to offer them a range of options. Yet, for Gypsies and Travellers who are looking for settled housing, there can be considerable delays, and many of them feel disadvantaged by housing allocation policies.

Lack of security of tenure on public caravan sites, and anxiety that travelling for part of the year (as some want) could mean having nowhere to return to, leads Gypsies and Travellers to choose council accommodation instead, as it offers secure tenancy and more

¹ Clarke v Secretary of State for Transport, Local Government and the Regions, Court of Appeal (2002), and R (Margaret Price) v Carmarthenshire Country Council.

flexibility. The best option for many Gypsies and Travellers would be some kind of settled housing, which allows the extended family to live together in close proximity to others in the community, for example 'group housing', where small enclaves of houses are built around shared facilities, such as play or work areas, with space for parking caravans or trucks. These options are not available at present.

Gypsies and Travellers who live in houses may feel particularly vulnerable, especially if they are separated from their extended families and decide to conceal their ethnicity in order to be accepted by the settled community. Those who are open about their ethnicity speak of harassment and intimidation by other tenants. Either way, Gypsies and Travellers living in settled housing may be susceptible to acute stress, leading to another spiral of problems, including substance abuse and depression. Support services are not generally available for Gypsies and Travellers moving from sites to houses.

Gypsies and Travellers who prefer to live in caravans or mobile homes in Britain today face a critical shortage of suitable provision. They pay a heavy price for this, in deteriorating relations with others in the community, poor health, interrupted education for their children, difficulties getting a job or setting up and running a business, routine harassment and endless dealings with local authorities and the police.

Some local authorities take a proactive approach to site provision, but there is huge variation in provision from authority to authority, and no national standards. Only around 30 per cent of local authorities have a written Traveller accommodation policy and fewer than 40 per cent have carried out a 'best value' review of Traveller services. Only 22 per cent have a forum where Gypsies are represented. Among local authorities in the two-tier county areas (in England), lack of clarity about roles and responsibilities can mean nothing gets done, and pressing needs go unmet. There is no reliable national system for determining the current shortfall in sites, or predicting future needs, and no way of ensuring adequate provision, or assessing the quality of sites (although Communities Scotland is carrying out a survey of site quality).

Gypsies' and Travellers' needs are rarely considered properly by local authorities when drawing up policies on planning, housing and homelessness, community cohesion, and social exclusion, and including these in their race equality schemes. This can be further compounded by the different approaches that departments within a single authority take, where, for example, one is responsible for site provision or management, and another for enforcing planning regulations and eviction.

Gypsies and Travellers point to the planning system as one of the most important questions for them. When they do acquire sites of their own, they find it difficult to obtain planning permission, particularly since the introduction of restrictions on greenbelt development. Research by ACERT in 1997 showed that, whereas 80 per cent of all planning applications were accepted, 90 per cent of Gypsy and Traveller applications were initially rejected (although more were passed on appeal). As a result, some Gypsies and Travellers, certain that their applications will be initially turned down, set up sites before obtaining – or even applying for – planning permission. Inevitably, this leads to tensions with others in the community, especially when a planning refusal is followed by costly legal action – costly for both the council and Gypsies and Travellers – and enforcement of the planning decision.

These problems have been exacerbated by the definition of 'gypsy' in planning law, by which an ethnic Gypsy or Traveller who does not travel 'for economic purposes', or who is too old or ill to travel could be denied 'gypsy' status, and therefore planning permission for a 'gypsy' site. The recent court ruling against Mr Berry, a Gypsy who is too ill to travel, gives cause for further concern.

Under section 175(2) of the Housing Act 1996, a person is homeless if they have accommodation, but it consists of a movable structure and there is no place where they are entitled or permitted to place it or live in. This means Travellers on unauthorised sites are homeless. The last national bi-annual count of Gypsy caravans published by the ODPM in January 2003 shows that, of the 14,703 caravans reported, 3,979 (27%) were unauthorised, and their inhabitants therefore defined as homeless. The Homelessness Act 2002 gave local authorities a duty to develop strategies by July 2003, to make sure they have sufficient accommodation for everyone who is homeless in their area. Recent research by Lord Avebury into the homelessness strategies drawn up by the local authorities with unauthorised encampments at the latest Gypsy count found that over 70 per cent of those councils did not mention Gypsies and Travellers in their strategies at all. Lord Avebury's survey also found that hardly any of the authorities mentioned their race equality schemes. Public authorities have a general duty to promote race equality, and a specific duty to assess the impact their functions and policies have on different groups, including Gypsies and Travellers.

The last ten years have seen a gradual increase in the number of private sites, but with the supply of public sites at a near standstill, total provision is well below the needs of the growing Gypsy and Traveller population. Estimates in 2002 (Niner, 2002) suggested that between 3,000 and 4,500 extra pitches (permanent and transit) would be required over the next five years. As the figures were based on the bi-yearly Gypsy counts, which have been shown to be inaccurate, they are strongly suspected of seriously under-estimating actual need. The ODPM has just published research, suggesting ways in which the twice-yearly count might be improved.

The 2002 ODPM study also found that public sites in England are usually located at a distance from common services, and near to motorways or major roads, rubbish tips and industrial activity. In Scotland, a thematic regulation study of council services for Gypsy Travellers, commissioned by Communities Scotland in 2002, showed weaknesses in a wide range of areas, including assessment of needs, long-term planning of site improvements, financial planning, and setting and monitoring service standards.

We list below some of the difficulties Gypsies and Travellers have to deal with on a day-to-day basis, as a direct consequence of current arrangements for accommodation.

- They are obliged to use unauthorised encampments in unsuitable locations, and run the risk of being vilified for any damage (perceived or real) they cause to the environment.
- Encampments may lack basic services, including portable toilets, domestic rubbish collection, water supply, renovation, maintenance and pest control.
- Public sites are often located in polluted and hazardous environments, on land that would never be developed for housing, and are entirely unsuitable for children.

- Public sites may lack facilities such as work space or play facilities for children, and the costs of utilities are high.
- There is no security of tenure and the threat of eviction from a public site is real and constant – Gypsies and Travellers are not tenants but licensees and can be evicted from a site that has been home for 20 years, at one month's notice.
- Gypsies and Travellers are rarely consulted or involved in any discussions or decisions about the provision, location, design, or management of sites, or even the use of the refurbishment grant (in England).
- Rents vary from one authority to another, and there can be a mismatch between rent and housing benefit.

All these problems are complex and any satisfactory solutions would need to take account of several factors. For example: the mismatch between the location of available sites and what Gypsies and Travellers actually need, not just the short supply of sites; the fact that more Gypsies and Travellers go travelling during the summer; and the tensions between different groups or families about rights at sites (this has been raised as a particular issue in Scotland).

Access to adequate accommodation has consequences for other aspects of Gypsies' and Travellers' lives, most importantly, access to education and healthcare. It also affects the public authorities dealing with their needs, and the local communities where they live, or stop. Recent consultation with local authorities shows that many feel they are in a difficult position – they have to deal with local hostility to providing sites for Gypsies and Travellers, even while they know that this is partly a reaction to unauthorised encampments, the inevitable result of their failure to provide authorised sites (Crawley, July 2003). In the absence of a national approach to providing sites, authorities fear the 'honey pot syndrome' – that is, that, by providing sites, they will encourage more than their 'fair share' of Gypsies and Travellers to their area, and invite stronger public reaction.

In our view, any viable solution must start by giving Gypsies and Travellers a choice – of private sites; permanent and transit sites, set up and run by various providers; and suitable settled housing.

Education

It is nearly 20 years since the Swann Report described the hostility that Traveller children faced in school as being worse than the racism encountered by children from other ethnic minority groups. All the available evidence suggests that Gypsy and Traveller children's entire experience of education, from admission to qualification, spells disadvantage. Interrupted education is a major contributory factor, with access to schooling a serious problem, particularly for the most mobile groups, and those on unauthorised encampments – shortages of school places in many areas can be a problem for mobile groups and the time it takes to admit and register these groups disadvantages them further.

Evidence collected by Traveller Education Services (TESs) suggests that, in an educational system dominated by league tables, some schools are unwilling to register Gypsy and Traveller pupils, who are perceived as low achievers. Enrolment and attendance are also major concerns – Gypsies and Travellers have the worst attendance records of any ethnic minority group. While some Gypsy and Traveller children fail to attend primary school, the problem becomes acute at secondary level. Ofsted estimates (2003) that, in England alone, around 12,000 secondary school-aged Gypsy and Traveller children are not registered at school. Their enrolment figures decline over the years in secondary education, with the overall figure for Gypsies and Travellers enrolled in post-16 courses in England below 20 per cent.

Gypsy and Traveller pupils in England are the group most at risk of failure in the education system. In 2003, 23 per cent of 228 Roma Gypsy pupils and 42 per cent of 161 Irish Traveller pupils in England obtained five or more A*-C GCSEs, compared with an overall average of 51 per cent; 22 per cent of Roma Gypsy pupils and 17 per cent of Irish Traveller pupils obtained no passes, compared with 6 per cent on average (DfES, 2004). No national statistics are currently available for Gypsies and Travellers in Scotland and Wales. This is partly because the system relies heavily on results in formal examinations, where Gypsy and Traveller pupils do poorly, and places less emphasis on continuous progress. In 1996, Ofsted found that, as Gypsy and Traveller pupils' attainment levels tended to be so low, most were placed on the school's Special Educational Needs register when they transferred to secondary school.

The Scottish Traveller Education Programme has identified bullying as an endemic problem in schools in Scotland, and attributes the high drop-out rates among Gypsy and Traveller children to the failure of schools to tackle this problem.

Despite opportunities for flexibility within the curriculum, the history or culture of Gypsies and Travellers does not receive much attention. Research in 1998 (Save the Children Fund, 1998) also showed that 80 per cent of pupils surveyed thought school would be improved if they could study subjects that gave them more practical skills.

Lack of support for outside-school learning, including home education, particularly affects Gypsies and Travellers. While parents have the right to educate their children at home, they get little support or advice, and little is done to monitor the children's work. Nor does it help that LEAs take different approaches to outside-school learning, with some recommending home education as a way of managing social differences between Gypsy and Traveller and other pupils, possibly as an alternative to exclusion. Inevitably, this contributes to reducing educational opportunities for Gypsies and Travellers even further.

Early years education and adult literacy and skills training are also matters of concern, with Gypsy and Traveller children rarely taking advantage of pre-school services. According to Ofsted's most recent report (2003), only 29 per cent of pre-school age Gypsy and Traveller children in one LEA had received some form of pre-school education during the year. The shortage of places in nurseries, which often have long waiting lists, can also put very mobile pre-school children at a particular disadvantage.

However, a number of positive education initiatives, led by central government, the devolved administrations and individual LEAs, have been commended. LEAs' TESs do vital work by giving Gypsies and Travellers information about how the education system

works, helping them with admission to school and practical matters such as school uniform and transport, promoting regular attendance, mediating between parents and schools, and advising on curriculum resources. TEs also offer training for teachers and others. Ofsted has praised the high standard of its work in schools in England. Yet, given the scale of the problems, what is needed is a concerted, strategic approach, to make real progress.

Employment

Lack of research in this area has meant we have had to rely in this section on points raised during our consultation on an earlier draft of this strategy.

Unemployment is high among Gypsies and Travellers and few of the general programmes set up to tackle unemployment have initiatives or schemes developed specifically for Gypsies and Travellers, who need training in practical skills as well as opportunities to obtain qualifications for skills they already have. Gypsies and Travellers rarely use New Deal or Jobseeker Plus. They say that service providers do not really understand the barriers they face, and give little thought to how their services might be tailored to meet Gypsies' and Travellers' needs.

Research on the take-up of benefits and benefits fraud does not look at Gypsies' and Travellers' experiences, but it is believed that many of them may be missing out on benefits they are entitled to, due to low levels of adult literacy, lack of support and suspicion of benefits fraud.

Anecdotal evidence, and evidence from complaints we receive, suggests that Gypsies and Travellers might be unlawfully discriminated against when they apply for jobs. Many who do work conceal their ethnicity, while those who do not, or whose ethnicity is discovered, report harassment.

Many Gypsies and Travellers are self-employed, but they receive little financial help or advice on starting up a mobile business. Business Link and other support services probably have little experience of dealing with Gypsies and Travellers and do not know much about their particular circumstances and needs. One of the biggest, and growing, problems is not having a permanent address, or having a site for an address, since banks and insurance companies increasingly insist on evidence of a stable address, as part of their identity checks.

Health and Social Care

Research conducted by the **International** Minority Rights Group in 1995 identified a range of factors affecting Gypsies' and Travellers' health. The Gypsy birth rate is high and perinatal mortality, stillbirths and infant mortality are significantly higher than the national average. Despite the lack of reliable data (due in part to Gypsies and Travellers moving into settled housing in later life), it is estimated that, on average, Gypsy and Traveller women live 12 years less than women in the general population and Gypsy and Traveller men ten years less than men in the general population (Crawley, 2003).

Some of these characteristics may be the consequence of the difficulties Gypsies and Travellers have in accessing health services. Both mobile and settled Gypsies and

Travellers report difficulties in registering with a GP, or for health care. Research by Save the Children (1996) into healthcare for women in Scotland showed that almost a third of the women interviewed had been refused registration at a GP surgery at least once. This is due partly to bureaucracy and paperwork, partly to ignorance about Gypsies' and Travellers' needs, and partly to indifference stemming from prejudice.

To avoid problems, many Gypsies and Travellers go straight to Accident and Emergency, if they need treatment. This means the health care they receive is sporadic and disjointed, and that they miss out on advice, support and preventive care.

The absence of any system of transferable health records for mobile groups exacerbates the problem. Most worryingly, it can mean that the symptoms of serious conditions are not picked up and treated early. In Scotland, NHS Scotland and the Scottish Executive are jointly piloting a Hand Health Record initiative, which could lead to welcome improvements. The Welsh Assembly Government has recently published *Informing Healthcare: Transforming healthcare using information and IT*, which could offer opportunities for a nomadic population.

Responses to our consultation suggested that many Gypsies and Travellers suffer from depression and other mental health problems, often caused by the stress of eviction, or as a result of moving from a caravan to settled housing, with all the associated isolation. The symptoms are usually treated with prescription drugs, but the root causes are not dealt with.

We have learned about some good practice involving outreach by health visitors and midwives, but services still vary considerably, with few opportunities for learning from others' experience.

The proposals in the Green Paper, *Every Child Matters*, would bring education and children's social services together under a director of children's social services and include health services in children's trusts in the future. This would provide an opportunity to extend the progress that has been made in education to other services, such as health and social services; for example through outreach, support work in schools, training, policy development and ethnic monitoring.

Criminal justice

Little research has been conducted on Gypsies' and Travellers' experiences of the criminal justice system, particularly as victims and witnesses. However, we can draw on some wider studies, on the work of non-governmental organisations, and on some of our own formal investigations. These point to high levels of racist incidents; lack of trust in the police; inequalities in sentencing, including pre-sentence reports and sentencing outcomes; difficulties in obtaining bail; and disproportionately high numbers of stops and searches.

Irish Traveller young offenders are disproportionately remanded into custody from courts. Research published in 1993² found that Travellers accounted for 38 per cent of

² Research of the first year, by the Association of Chief Officers of Probation (ACOP – now reorganised as the National Probation Service) and the National Association for the Care and Resettlement of offenders (NACRO – now 'NACRO – The Crime Reduction Charity')

admissions of all young people classified as white from courts in the London region to Feltham Young Offenders Institution. Another report (by Fletcher et al, in Power, 2003) comments that 'this abnormally high figure reflects the prejudice at court about the mobility of Travellers, and the corresponding risk, that they would abscond.

Concerns have also been expressed about the disproportionate rates of deaths in custody, particularly of Irish Travellers, both in *The Heavens Report* (Home Office, 2003) and in our formal investigation of the prison service in England and Wales (CRE, 2003), which found that Irish Travellers had difficulty coping in prison, and that a number committed suicide.

Our investigation also shows that the prison service fails to make services accessible to prisoners with low reading skills, such as Irish Travellers. In turn, this means that Travellers are less likely to apply for jobs in prison, and less likely to fill out complaints forms.

The Criminal Justice and Public Order Act 1994, which repealed the provisions of the 1868 Caravan Sites Act obliging councils to provide sites, also gave police powers of eviction and seizure of vehicles. Not surprisingly, one of the main complaints by mobile Gypsies and Travellers has been about the exercise of these powers, and disregard by the police of the welfare of elderly people and children. Complaints have also been raised about the way police handle other incidents involving Gypsies and Travellers: for example, failing to protect them when they are at the receiving end of criminal assault or harassment, and being over-vigilant when they are alleged to have committed offences, such as stopping at unauthorised sites.

A number of independent advisory groups (IAG) have been set up in England to monitor incidents, and comment on investigations. The Metropolitan Police now has a Gypsy and Traveller IAG, which it is hoped will serve as a model. The Association of Chief Police Officers in Scotland is also trying to standardise approaches by different forces to interpreting and enforcing the laws affecting Gypsies and Travellers.

7. Outcomes of the strategy

We want to see the changes we have enumerated below over the next three years, to ensure full racial equality for Gypsies and Travellers.

- Measurable steps towards adequate provision of private and public, residential and transit sites as well as other suitable alternatives to unauthorised encampments.
- Measurable improvements in educational participation, access, attendance and attainment, reduced bullying and more creative and flexible education.
- Measurable improvements in access to primary health care, and preventive health care.
- Measurable reduction in unemployment, and better access to and take-up of training.
- Measurable improvements in treatment and outcomes in all parts of the criminal justice system, as perpetrators, victims and witnesses.

- Greater awareness among service providers that Gypsies and Travellers are protected racial groups.
- Evidence that public authorities are assessing the impact of their functions and policies on all racial groups, including Gypsies and Travellers, and are taking steps to make sure their staff provide suitable services for them.
- Inclusion of Gypsies and Travellers within systems for monitoring services by racial group, accurate data on employment and unemployment among Gypsies and Travellers, and research on Gypsies and Travellers living in settled housing, and on their treatment by criminal justice agencies.
- Measurable improvements in media coverage of Gypsies and Travellers, and in public attitudes towards them.
- Inclusion of Gypsies and Travellers in consultations about developing and delivering public services.
- Evidence that Gypsies and Travellers are making their voices heard, and influencing policy.
- Clarification that the Race Relations Act protects all groups of Gypsies and Travellers defined by ethnic or national origins.
- Use of the law to challenge potentially unlawful practice in the public and private sectors.
- Better understanding among advocacy bodies, non-statutory service providers and Gypsies and Travellers of the Race Relations Act, the procedures for bringing discrimination complaints, and what the CRE can and cannot do.

The changes we have described depend critically on how other organisations meet their responsibilities. We will work with them, as far as possible, to improve Gypsies' and Travellers' quality of life, but we will not hesitate to use our law enforcement powers to achieve these outcomes.

8. Opportunities for progress

The duty to promote race equality

Since 31 May 2002, an enforceable, statutory general duty to promote race equality (the race equality duty) has applied to 43,000 public authorities in England and Wales, and since 30 November 2002 to approximately 350 public authorities in Scotland.

The general duty requires public authorities to take steps to tackle unlawful racial discrimination, and promote equal opportunities and good race relations. It applies to councils, schools, health organisations, criminal justice agencies and central government departments, all public authorities with a central role in promoting the welfare of Gypsy and Traveller communities.. The duty will help authorities to tackle inequalities in education and

health, build public confidence in public services, and improve relations between local communities.

The challenge to public authorities is to make the Gypsies' and Travellers' problems part of the way they approach and carry out their functions.

Reform of government planning and housing policy and the ODPM's decision to review its policies on Gypsies and Travellers

The Office of the Deputy Prime Minister (ODPM) included in its race equality scheme a commitment to conduct a review of its policies relating to Gypsies and Travellers. The review is now under way and will be completed in summer 2004.

This offers important opportunities, particularly as the review coincides with wider proposals for reform of the planning and housing system in England and Wales. Major changes are being made to the planning system, through the Planning and Compulsory Purchase Bill and guidance on planning, and to housing, through the Housing Bill, which is based in part on a government assurance, set out in *Sustainable Communities: Building for the Future* (ODPM, 2003), that it will ensure a decent home for all by 2010.

The proposals are sufficiently far-reaching to bring essential improvements in all forms of accommodation, including sites. The challenge is to ensure that sites for Gypsies and Travellers, both residential and transit, are treated on an equal footing with other forms of accommodation. Sites, both public and private, need to be considered and provided as part of all local and regional planning, and public sites made available in the same way as social housing, through an assessment of need that includes Gypsies' and Travellers' specific needs. The Institute for Public Policy Research has recently published research into accommodation provision for Gypsies and Travellers (Crawley, 2003), and has made important recommendations, suggesting this approach. For example, that:

- networks of sites should be set up across local authorities, and coordinated by the regional development agency;
- regional housing and spatial strategies should consider the need for sites, with funding provided through regional housing boards; and
- some of a local authority's funding for social housing should be made conditional on local authorities providing necessary sites for Gypsies and Travellers.

A consensus is emerging among all the parties concerned – the ODPM, non-governmental organisations, think tanks, local authorities, and the CRE – that the question of accommodation must take priority, as it is the key to progress in other areas, such as community relations, education and health.

Education

The inclusion of Roma Gypsy and Irish Traveller as categories in the new system for monitoring the racial groups of pupils in all schools in England (PLASC) offers the opportunity to build up information about Gypsy and Traveller pupils' experiences at school, and to take steps to deal with any inequalities that emerge. In Wales, the new

PLASC system has been piloted in a number of schools and is now being used everywhere. In Scotland, Gypsy Traveller, Occupational Traveller and 'Other Traveller' are now included as categories in the Scottish School Census. It is important that the good practice being developed in Scotland and Wales is shared with England, and that successful developments in England are replicated elsewhere.

However, it is crucial that the benefits of monitoring are explained to Gypsy and Traveller parents and pupils, and that steps are taken to obtain their full cooperation.

Aiming High, a DfES strategy to raise the achievement of ethnic minority pupils, offers another opportunity to make sure that concerns about educational attainment among Gypsy and Traveller pupils form a distinct strand within the strategy, and are not pursued as questions of educational mobility. The DfES has also recently published a guide for schools, called: *Aiming High: Raising the attainment of Gypsy Traveller pupils*.

The Scottish Executive has introduced similar guidance for all education authorities and schools in Scotland – *Inclusive Educational approaches for Gypsies and Travellers within the context of interrupted learning* – and the Scottish Traveller Education Programme is working with HM Inspectorate of Education in Scotland on measures of quality, as part of the series *How good is our School?*.

Traveller Law Reform Coalition

Scotland, England and Wales all have a range of non-governmental organisations representing both the diversity within Gypsy and Traveller communities and their concerns in areas such as education, discrimination and family matters. The recent emergence of the Traveller Law Reform Coalition marks a major development in bringing many of these groups together around a common priority – the Traveller Law Reform Bill. The bill is now unlikely to progress further, but its recommendations on accommodation have provided the momentum for change.

Devolution and diversity

The analytical and preparatory work carried out by the devolved administrations in Cardiff and Edinburgh, such as the report by Communities Scotland in 2002 on services for Gypsies and Travellers, has given us detailed studies of the problems that need to be tackled, as well as recommendations, which are now being pursued by the Welsh Assembly and the Scottish Parliament, in partnership with the CRE and others. It is vital that the good practice being developed in Scotland and Wales is promoted as common practice throughout Britain.

Europe

In February 2002, the UN Committee on the Rights of the Child raised particular concerns about unlawful discrimination against Roma Gypsy and Irish Traveller children and recommended 'a comprehensive and constructive plan of action to effectively target the obstacles in the enjoyment of rights by these groups'.

In August 2003, the United Nations Committee on the Elimination of Racial Discrimination (CERD) reviewed UK compliance with the International Convention on the Elimination of all forms of Racial Discrimination and recommended that the UK government should:

- consider how the Press Complaints Commission could be made to respond more effectively to racial prejudice in the media;
- promote positive images of people from ethnic minorities; and
- adopt national strategies and programmes to improve the lot of Gypsies and Travellers, and to combat unlawful racial discrimination in accommodation, health, education and employment.

The Framework Convention on the Protection of National Minorities is the Council of Europe's first binding, multilateral instrument devoted to protecting national minorities. It offers an important opportunity to introduce improvements for Gypsies and Travellers. The framework convention gives governments the duty to take steps to promote economic, social, political and cultural equality, and to protect those who are discriminated against unlawfully.

Responding to the UK's first report, submitted in July 1999, the European advisory committee emphasised that the UK government needed to make more effort to close the socio-economic gap between the majority population and Gypsies and Irish Travellers, and to take action to provide suitable stopping places for them.

9. What the CRE will do

Promotion and advice

We will:

1. include Gypsies and Travellers, and their concerns, in our guides to good race relations, and community cohesion;
2. include Gypsies and Travellers, and their concerns, in our guides to outcomes of the race equality duty in education, health, local government and criminal justice;
3. include mediation and support for local Gypsy and Traveller groups in our Safe Communities Initiative;
4. take account of issues relating to Gypsies and Travellers in the work we do to oppose far-right views and activity;
5. promote positive coverage in national and local media, for example by revising our guide to responsible reporting, raising public awareness of Gypsies and Travellers, and helping to change public attitudes;
6. introduce a new awards category that includes media reporting of Gypsies and Travellers in the 2005 Race in the Media Awards;

7. support the Gypsy and Traveller Media Action Group (GT MAG)³, and encourage regulatory bodies to show greater understanding of Gypsies' and Travellers' concerns;
8. advise public authorities as to how the race equality duty applies to Gypsies and Travellers, and draw attention to these communities' concerns when commenting on race equality schemes and policies;
9. work via our regional offices to support local Gypsy and Traveller communities and help them to make their voices heard ;
10. consider funding ourselves, and recommend that other funding agencies support voluntary organisations working with Gypsy and Traveller communities;
11. encourage national and local organisations to develop performance indicators for specific services for Gypsies and Travellers (such as sites), set targets for progress on aspects of their services that affect Gypsies and Travellers (such as planning), and adopt performance management systems (such as the Equality Standard for Local Government);
12. encourage better understanding of Gypsies and Travellers in the public sector, by drawing attention to their needs as part of the training public authorities provide for their staff on their race equality scheme or policy, and by making use of other resources, such as training offered by TESs, and Gypsy and Traveller organisations;
13. provide training for relevant CRE staff, and make sure that Gypsies and Travellers, and their concerns, are included in all aspects of our work, including government consultations, training, CRE conferences, and advice to other organisations.

Adequate accommodation

We will:

1. work with the ODPM and others to: secure adequate provision of permanent and transit sites, and reduce the need for unauthorised encampments; make sure that sites are treated as housing provided through new regional spatial strategies, regional and local housing strategies, and local development plans. Seek legislative change to strengthen policy and ensure a robust and enforceable framework;
2. explore the scope for improving security of tenure for Gypsies and Travellers on public sites;
3. support other organisations in promoting and distributing good practice guides to managing unauthorised encampments, planning and site provision, consistent with the duty to promote race equality;
4. include sites in our forthcoming revised statutory Code of Practice on Rented Housing;

³ Group set up in late 2003, comprising Gypsies and Travellers, representative bodies and a range of other organisations and individuals. Its aim is to promote positive images of Gypsy and Traveller communities, and to challenge inaccurate and discriminatory media representation.

5. help strategic housing organisations take full account of Gypsies' and Travellers' needs as part of their responsibility to promote race equality in housing;
6. explore opportunities for research on housed Gypsies and Travellers, and their needs.

Education

We will:

1. work with the Department for Education and Skills and others to make sure Gypsies and Travellers, and their concerns, are included in the implementation of the 'Aiming High' strategy to raise attainment among ethnic minority pupils;
2. work with the DfES to make sure pupils and parents from Gypsy and Traveller communities understand the benefits of responding to the Pupil Level Annual School Census and the Scottish Schools survey, and encourage use of information collected by TESs to obtain as complete a statistical picture as possible;

Employment

We will:

1. work with the Department for Work and Pensions to find ways of tackling unemployment and economic inactivity among Gypsies and Travellers, for example through training, improved benefits and consideration of problems arising out of accommodation;
2. consider supporting research on Gypsies' and Travellers' position in the labour market.

Health and Social Care

We will:

1. raise the health and social care inequalities between Gypsies and Travellers and other groups with government departments responsible for delivering Public Service Agreements on both health and social care inequality and race equality, and propose specific targets for Gypsies and Travellers within overall targets to tackle inequalities;
2. lobby the NHS, the Department of Health, and health and social care organisations on behalf of Gypsies and Travellers, and explore opportunities for progress, particularly in access to primary care, take-up of preventive health care, and mental health matters;

Criminal Justice

We will:

1. make sure the work we do following our formal investigation of the prison service takes account of the investigation's findings on Gypsies and Travellers;

2. include Gypsies and Travellers in our work to ensure that ethnic minorities are treated fairly as victims and witnesses in the criminal justice system; and
3. examine the relationships between police services in the north of England and local Gypsy and Traveller communities.

Research and monitoring

We will:

1. explore with the Office for National Statistics (ONS) how to make the best use of national and local ethnic data on Gypsies and Travellers, and discuss the scope for specific categories in the next census;
2. encourage public authorities to include Gypsies and Travellers as categories in their monitoring systems;
3. encourage agencies to cooperate in making effective use of all available data, for example, data collected by TESs;
4. encourage research funding agencies and research organisations to include Gypsies and Travellers within their main research programmes, and to consider specific policy-oriented research, aimed at improving racial equality and race relations in relation to Gypsies and Travellers; and
5. encourage researchers to involve Gypsies and Travellers in their projects from an early stage.

Extending protection, clarifying and enforcing the law

Over the years, we have supported many individual Gypsies and Travellers who have brought complaints of racial discrimination to us, and responded to many 'No Traveller signs'. However, following a change in our legal strategy, we may now be able to use our enforcement powers to better effect on behalf of Gypsies and Travellers.

The number of individual complaints we still receive about discriminatory 'No Travellers' signs, and, increasingly, signs proclaiming 'No Caravan Dwellers', also calls for a different, more collective approach, for example by working with the leisure and drinks industry and representative organisations such as the British Beer and Pub Association.

As well as our power to assist individuals with complaints of discrimination, we also have the power to conduct general and named formal investigations, and the power to enforce the specific duties public authorities have to promote race equality.

The challenge for us is to use our legal powers creatively and strategically, so that they lead to improvements in race equality practice that bring long-term benefits to all Gypsies and Travellers.

We will:

1. support test cases that could clarify the protection of Gypsies and Travellers defined by their ethnic and national origins, such as Scottish Gypsy Travellers;
2. work with partners to identify and challenge breaches of the Race Relations Act and the race equality duty, particularly in relation to services provided to Gypsies and Travellers in local government (including planning and housing), education, health and criminal justice;
3. explore the possibility of a formal investigation of those services affecting Gypsies and Travellers where there might be persistent breaches of the Race Relations Act;
4. challenge law or policy that has an adverse impact on Gypsies and Travellers;
5. approach the leisure and drinks industry to discuss ways of dealing with 'No Travellers' signs in pubs;
6. promote better understanding among Gypsy and Traveller communities of our legal powers and the procedures for applying to us for assistance, and help organisations improve their ability to support Gypsies and Travellers who need help with complaints of discrimination;
7. help produce, and co-fund, a book on the laws that are relevant to Gypsies and Travellers; and
8. work with other organisations to bring cases on multiple grounds, for example the Race Relations Act and the Human Rights Act; provide expert advice on cases brought by other organisations; or appear as an interested party in judicial review proceedings.

Consultation and dialogue

We will:

1. convene an internal steering group to help put the strategy into effect;
2. convene an external reference group, with Gypsies and Travellers and their representative organisations as members, to advise on implementation of this strategy and to consult Gypsy and Traveller communities;
3. liaise with the All-Party Parliamentary Group on Gypsies and Travellers to ensure progress; and
4. keep interested organisations informed and involved.

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