

Traveller Law Reform Project (TLRP) Email newsletter number 6 23 September 2008

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Housing and Regeneration Act

The Housing and Regeneration Bill has now received royal assent and thus become the Housing and Regeneration Act. The clause which gives security of tenure to residents on local authority Gypsy and Traveller sites will not come into force until the Secretary of State for Communities and Local Government says so. This is because the clause applies the Mobile Homes Act 1983 to local authority Gypsy and Traveller sites, and many people expressed concern about how certain aspects of that Act – especially pitch assignment and succession rights – would apply on these sites. This week Communities and Local Government (CLG) is publishing a consultation document which all site residents and those working with them should see. CLG will send paper copies of this document to everyone they know to be interested, but the document will also be published on the CLG website (<http://www.communities.gov.uk/corporate/>). It is called 'Implementing the Mobile Homes Act 1983 on local authority Gypsy and Traveller sites' and should be available in the 'consultations' section of the CLG website (on the homepage, look under 'Publications' on the right hand side of the screen).

Planning Bill

The Planning Bill will enter its House of Lords Committee stage as soon as Parliament reconvenes on 6 October. Members of the All Party Parliamentary Group on Gypsy and Traveller Law Reform may propose a 'probing' amendment to ensure that the Government does not intend to remove the right of Gypsies and Travellers who are denied planning permission to have an oral hearing at a planning enquiry.

Education and Skills Bill

TLRP produced a commentary (see www.travellerslaw.org.uk/pdfs/education_and_skills_bill.pdf) which it sent to Schools Minister Lord Adonis. The Minister sent a lengthy and considered response to it. The Government will not concede on the issue of raising the compulsory leaving age for education and training, but appears committed to providing flexibility and to consulting on implementation of the new law. TLRP also contributed to the debate on the Bill in the House of Lords in which Lord Avebury proposed an amendment on provision of Traveller Education Services. You can read the whole debate at the end of this newsletter.

Regional Spatial Strategies

The process of approving Regional Spatial Strategies and producing Development Plan Documents (which should specify where new pitches for Gypsies and Travellers can be located) at local level is demanding more and more of TLRP's time and attention. TLRP and others need to intervene in as many of the public consultations as possible to ensure that the best possible pitch allocations are made, and that ill-informed public and political opposition to such pitch allocations is not allowed to deny Gypsies and Travellers access to the accommodation that they desperately need.

South East England Regional Spatial Strategy consultation

The South East England Regional Assembly has published its recommendations on Gypsy and Traveller pitch allocations in its Regional Spatial Strategy and asked for the views of the public on those allocations. The Southern Network of Gypsy and Traveller organisations, TLRP and TLRP member group Friends Families and Travellers have all expressed serious concern about the questions in the SEERA consultation.

Question 2 asks 'To what extent do you support or oppose the provision of new legal, managed Gypsy and Traveller spaces that help reduce unauthorised encampments?'

TLRP finds it difficult to believe that members of the public would be asked whether or not they agreed with the provision of accommodation for homeless members of any other ethnic community. Regrettably, there may well be people who do not agree with providing for homeless black people, Muslims or other particular groups. It is rightly accepted, however, that society has a duty to help find accommodation for people regardless of ethnicity, religion or culture, and it would be viewed as unacceptable to consult on the principle of providing accommodation on this basis. Asking people whether or not they agree with the principle of providing accommodation for Gypsies and Travellers is an invitation to the expression of precisely the kind of racist prejudice which bedevils the entire planning process when it comes to Gypsy and Traveller site provision. TLRP believes that this question has no place in the consultation. Even if it was included as an invitation for racists to reveal themselves, as it were, so that their responses could be discounted, we believe that the very fact that the question is asked in an official document legitimises the expression of racist prejudice.

Questions 3 to 6 ask people for their views on whether the number of pitches proposed for Gypsies, Travellers and Travelling Showpeople is too high, too low or about right. TLRP finds it difficult to understand how anyone who is not in some way involved with Gypsy and Traveller communities could possibly give an informed answer to these questions. Local authorities conduct twice-yearly caravan counts. They have also produced Gypsy and Traveller Accommodation Assessments. We believe that both sets of documents represent, in many cases, serious undercounting. They are nonetheless based on some kind of research. How can members of the public who are not involved with Gypsy and Traveller communities and have not studied the communities' needs possibly hope to comment intelligently on the research done by others or on the expressions of need made by Gypsy and Traveller organisations? This again seems an invitation to the expression of racist prejudice.

It is hoped that SEERA will withdraw its consultation questions and formulate a new consultation in consultation with the advice of members of the Gypsy and Traveller communities.

Dale Farm

Basildon District Council has appealed against the decision of Mr Justice Collins, announced on 9 May, which stopped it from evicting residents of unauthorised pitches at Dale Farm in Essex until Basildon Council had provided the number of new authorised pitches required in the East of

England's Regional Spatial Strategy. (See TLRP's Email newsletter number 5, http://www.travellerslaw.org.uk/pdfs/newsletter_july_08.pdf.) The appeal will be heard in December. If the decision goes in favour of the Council, evictions may well follow soon after. There is grave concern about the welfare of children during and after any such eviction. Residents, represented by the Dale Farm Housing Association and supported by the Gypsy Council and TLRP, have met with Essex County Council to discuss this matter.

The Government's Gypsy and Traveller Site Grant

On 10 September, the Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Iain Wright) made the following announcement.

'The Homes and Communities Agency as established in the Housing and Regeneration Act 2008 will for the first time bring together in one agency housing and regeneration funding, public land and expertise to deliver decent, affordable housing and regenerate our communities by creating places where people choose to live. It will play a key role in turning our ambition to deliver three million new homes by 2020 into a reality.

'As part of that role, I am today announcing that from 1 December 2008 the Homes and Communities Agency will take on responsibility for the Gypsy and Traveller Site Grant, which provides funding for the provision and refurbishment of Gypsy and Traveller sites. This approach will bring delivery of homes for Gypsies and Travellers into line with the arrangements for housing and accommodation delivery for the rest of the community. It reflects our determination to address the existing shortfall in accommodation for all in society, tackling the problems that can be caused by unauthorised camping and the poor life chances of Gypsies and Travellers themselves.

'The HCA will be responsible for administering the Gypsy and Traveller Site Grant to meet ambitious but realistic targets for the delivery of pitches across England. Through its close relationship with local authorities and other delivery partners, the HCA will be well placed to step up the pace of delivery for the benefit of both Gypsies and Travellers and the settled community. This approach responds to the findings of the independent task group on site provision and enforcement, chaired by Sir Brian Briscoe, whose report issued in December found that the policy framework for site provision was sound, but that delivery was slow.

'Ministers will continue to have oversight of the programme, ensuring that it achieves the Government's objectives of meeting Gypsies' and Travellers' accommodation needs and supporting community cohesion. We will also be asking the HCA to recommend any changes to the programme for 2010-11 that may be necessary to improve delivery. The sum of £97 million was allocated for the grant through the CSR07 period, and funding for 2009-10 and 2010-11 will be transferred in full to the HCA on its establishment.'

Single Equality Bill

The Equality and Human Rights Commission (EHRC) has published a commentary on the Government's document *Framework for a Fairer Future*, which sets out some of what it intends to do in the Single Equality Bill which it will introduce in the next session of Parliament. (See TLRP's Email newsletter number 5, http://www.travellerslaw.org.uk/pdfs/newsletter_july_08.pdf.)

You can read the EHRC's commentary at http://www.equalityhumanrights.com/Documents/DLRresponses/Fairness_Final.pdf.

The Liberty Guide to Human Rights

Human rights group Liberty publishes an online guide to human rights. The section on Gypsy and Traveller rights can be found at <http://www.yourrights.org.uk/yourrights/rights-of-gypsies-and-travellers/index.html>.

Sylvia Dunn

TLRP notes with great sadness that the well known and much loved Gypsy rights advocate Sylvia Dunn has passed away, after a very long illness. Sylvia was the founder of the UK Association of Gypsy Women, and a strong advocate of the rights of Gypsy people. TLRP extends sympathy to Sylvia's family and friends.

The House of Lords debate on the Education and Skills Bill, 21 July 2008 (from Hansard)

Lord Avebury moved Amendment No. 230C:

After Clause 139, insert the following new Clause—

“Traveller Education Services

It shall be the duty of all local education authorities to establish a traveller education service which shall be resourced in proportion to the population of gypsies and travellers identified in the Gypsy and Traveller Accommodation Assessments required under the Housing Act 2004 (c. 34).”

The noble Lord said: The proposed new clause makes it obligatory for all local authorities to establish a Traveller education service in proportion to their population of Gypsies and Travellers. I understand that all except eight or 10 LEAs do this already. Those that do not may claim not to have any Gypsies or Travellers in their area, but when the regional planning boards have completed their study of the Gypsy and Traveller accommodation assessments and allocated the number of extra pitches needed to eliminate homelessness shown by that exercise to individual authorities, with an obligation to provide the necessary land in their local development frameworks, there will be some balancing between authorities that have always had large numbers of Gypsies and those few which have managed to avoid having any.

The formula in this amendment would still allow for the possibility that an LEA had no Gypsies or Travellers in its area, because the authority would then not have to devote any resources to its Traveller education service. The proposed new clause gives us the opportunity of exploring the hope of how the Government intend to apply the provisions of Part 1 to Gypsies and Travellers and how the TES will be involved in that process. Obviously we approve of the raising of the education leaving age to 18 for Gypsies and Travellers as for all others, but there needs to be some flexibility in how that is done, and I am not happy about the idea that non-compliance would lead to prosecution of Gypsies and Travellers.

There should be support for improving, increasing and resourcing all manner of educational and training opportunities for 16 to 18 year-olds, and encouraging and supporting access to these opportunities, but this can and should be done without compulsion and criminalisation. In the Gypsy and Traveller community, many women marry at age 16 or 17 and become mothers in the first year or two of marriage. They should have the legal right to make that decision. If they can be offered outreach education, particularly in skills that are relevant to parenting, that should be the alternative to attendance at education or training sessions at a distant college and the need to leave a small child in the care of someone else. We ought to acknowledge that work in the home, particularly work as a mother, is every bit as valuable as work outside the home. Raising the next generation of citizens and workers is an honourable and very demanding occupation and should be recognised as such.

We welcome the assurance given on Second Reading by the noble Baroness, Lady Morgan of Drefelin, when she noted,

“that young people’s lives do not run along the lines designed by civil servants ... and in some cases it may be difficult or even impossible for a young person to participate”.

She added:

“The focus will be on the need to provide help and support, and first to address barriers by tailoring programmes to aid the progress of young people back into learning in a way that is right for them”.—[*Official Report*, 10/6/08; col. 557.]

That is the right approach for Gypsies and Travellers, and it will be a far more effective way of increasing participation in secondary as well as further education than compulsion. We need to remove the barriers of bullying and racism that deter Gypsies and Travellers from attendance and contribute to their low attendance record from the beginning of secondary education onwards, and not just in the 16 to 18 age range. At the same time we need more research on the motivation of the community and the factors that would encourage them towards higher levels of participation. Until these problems are addressed, raising the school leaving age is not only meaningless but counterproductive because it will be one more source of confrontation between them and the authorities.

We very much welcomed the letter that the noble Lord, Lord Adonis, sent to directors of local authority children’s services in November 2006, in which he set out many of the problems faced by Gypsy and Traveller children in the education system. He suggested some very sensible solutions. Unfortunately, as he recalls, there was a poor response from local authorities, which is an indication of how low Gypsies and Travellers are in the priorities of most local authorities. The DCSF had to nag many of them just to get any sort of reply at all, and many of the answers that finally came were from Traveller education services, suggesting that local authorities felt that other departments need not be involved.

The experience of the London Gypsy and Traveller Unit is that there has been no strategy in Hackney and Haringey, the two boroughs where it works, to provide adequate, useful vocational training for the 14 to 16 year-olds whom the Government recognised were not benefiting from school. The LGTU provides some life skills and vocational training tasters for 14 to 19 year-olds, but is dependent on short-term funding. So how is adequate, useful vocational training to be provided under the Bill for 16 year-olds from Gypsy and Travellers communities?

If there has been no strategy on how to assist hard-to-reach 14 to 16 year-olds, there can be no confidence that extending the age range is going to add to the educational opportunities for Gypsies and Travellers. Those youngsters who have not already benefited from current education provision simply will not comply with any obligation to participate in education or training after their 16th year and will then be needlessly criminalised. Should not powers of compulsion be withheld from local authorities until they have clearly demonstrated that they have a full and varied programme of appropriate education and training opportunities for Gypsies and Travellers that can be flexibly delivered? Following a helpful meeting that the Minister had last November with representatives of the National Association of Teachers of Travellers and the Advisory Council for the Education of Romany and other Travellers, he wrote to me about the efforts being made to get back into education the 12,000 GRT secondary-age children who were out of school according to an Ofsted survey of 2003. It would be useful to know how many children are back in the educational system. What estimate can the DCSF make of the proportion that is still missing?

The Bill imposes a duty on local authorities to assess the training needs of young people with special educational needs. There is a case for extending that duty to all young people marginalised and disadvantaged within the education system, including Gypsies and Travellers in particular. The Traveller education service would be the key to this assessment, just as it has been crucial in

providing consistent long-term data over the 35 years that it has been working with Gypsies and Travellers. It will need to be properly resourced if it is to promote post-16 and vocational training; and where elective home education is the option, as it often is in secondary education, to provide support to ensure that proper standards are maintained. The DCSF decided not to do anything about elective home education apart from issuing guidance that has nothing useful to say about how local authorities should monitor the delivery of education by Traveller parents, who are generally not professionally capable of providing a “suitable and efficient” education for their children.

Very few members of the public know about the raising of the compulsory education leaving age, and Gypsies and Travellers in particular were completely unaware of a proposal that could disproportionately impact on their lives if there is not the necessary preparation. The first step is to ensure that the Traveller education service covers the whole country so that the communities have access to the full range of education wherever they are. However, the Traveller Law Reform Project suggests, as the Minister is aware, that the DCSF should offer to provide a forum that is similar to the successful forum initiated by the DCLG on Traveller accommodation issues in which Travellers and practitioners can regularly meet DCSF officials. I believe that there have been helpful noises from the Minister on this, but it would be useful to have them on the record. I beg to move.

Baroness Walmsley: I rise merely to assure the Committee that my noble friend has the warm support of his Front Bench in moving his amendment. He has been, and continues to be, a remarkable advocate for the Gypsy and Traveller communities and he knows more about them than any of us. We would all do very well to listen to his wise words.

Baroness Morris of Bolton: I welcome the aspiration behind this amendment. As the noble Lord, Lord Avebury, rightly pointed out, children from the travelling community have considerable educational needs and will often require special help from their local education authority to realise their potential. The local education authority already has, as it has with all children, a duty to provide them with a high quality education. I support attempts to ensure that that happens.

However, I have a concern about this proposal—that it may become an exercise in ticking boxes, which would distract from the much more important job of providing a high standard for everyone in a way that recognises the different needs of individuals.

Lord Adonis: I begin by paying tribute to the noble Lord, Lord Avebury, for his tireless work to raise awareness of the issues facing Gypsy, Roma and other Traveller communities, especially in his role as president of the Advisory Council for the Education of Romany and Other Travellers. I have been glad to meet him on several occasions to discuss its work and to participate with him in celebratory activities that mark the very good educational work and high levels of attainment of many young people in those communities.

I wrote at some length last week to Richard Solly of the Traveller Law Reform Project, dealing with a number of the specific issues that the noble Lord has raised. I see that I failed to copy the letter to him, but I will copy it to Members of the Committee, and will place a copy of it in the Library of the House, so that it is made available.

Some of the issues raised by the noble Lord about the need to provide adequate services to promote participation and proper advice and guidance, and not to take action about compulsion where there are reasonable excuses for non-attendance, have been covered in our previous debates. All of those parts of the Bill, which I have described at some length earlier in Committee, will also apply to young people in the categories to which the noble Lord referred. I think that that goes some way towards meeting his points about compulsion being inappropriately applied in respect of the Traveller communities.

However, let me say little more about the work that we have been doing to boost educational provision for and attainment by the Gypsy, Roma and Traveller communities. First, as the noble Lord said, a good proportion of local authorities maintain a Traveller education support service. As he said, I have written to all local authorities to urge them to ensure that their provision is good in that area. Secondly, the Gypsy, Roma and Traveller achievement programme, one of a number of targeted programmes offered by the national primary and secondary strategies, was launched in 2006 and aims to improve the quality of provision, rates of attendance and standards of behaviour and thus raise attainment for Gypsy, Roma and Traveller pupils. Forty-seven schools in 12 local authorities are currently involved in that programme and a further 40 schools in 10 new local authorities will join the programme in the autumn of this year.

Thirdly, in February 2008 we published, *The Inclusion of Gypsy, Roma and Traveller Children and Young People*. This document offers practical advice to local authorities, schools, pupils and parents on how to raise attainment among Gypsy, Roma and Traveller pupils.

Fourthly, since 2004 we have funded the e-learning and mobility programme, which has provided e-supported distance learning and home access to highly mobile Traveller pupils. Currently there are three strands to the programme. Strand A provides key stage 3 and 4 pupils with laptops and mobile internet access and a range of learning materials. Pupils involved in strand A are able to keep in close contact with their teachers and peers. Ongoing evaluation of the programme has shown that pupil motivation increases, achievement is improved and pupils reintegrate far more easily when they return to school.

Strand B, which began in September 2006, is a web-based learning environment for key stage 4 pupils who have disengaged from education—which is often the case in the Traveller communities. Although in its early stages, this strand has proved very encouraging and the majority of the initial participants have gained successful results in the first level of a wider key skills GCSE.

Work is currently underway to develop a third strand, which will deliver a robust learning agreement, a training programme for parents in the effective support of distance learning, together with guidance and support on the overall provision, supervision and monitoring of distance learning. Currently 50 local authorities are involved in strands A and B of the programme, providing direct support to almost 1,000 pupils. Applications for involvement in strand C indicate that a further 1,700 pupils will benefit from the programme.

I therefore hope that I have illustrated that we are doing much to support the education of pupils from the Gypsy, Roma and Traveller communities, but we accept that much more needs to be done by us and by local authorities. We continue to work with representatives of these communities to assess what else needs to be done to improve the education of pupils from these communities. This includes the education of pupils beyond the age of 16.

As I said in my letter to Richard Solly, officials from my department are working to set up a group drawn from these communities that will meet to discuss ongoing and future education policy and to ensure that specific challenges that may be encountered by Gypsy, Roma and Traveller pupils in these areas are addressed. It is envisaged that this group will meet twice yearly and will work to inform policy so that ascription and attainment among these pupils will be raised. It will also seek to institutionalise the kind of regular discussions that the noble Lord and I have had in recent years which have led to worthwhile improvements, although it is important that these improvements are embedded in the normal machinery of my department and local authorities.

Lord Avebury: I am extremely grateful to the Minister for his continuing interest in the problems of the GRT communities and in particular for his support for GRT history month, which I know at first hand. It was instrumental in giving enormous encouragement to the communities to become involved in more educational activities and, I hope, in increasing the level of attainment. I need to think about all the measures that he has described which are aimed at increasing the participation of Gypsies and Travellers in secondary education and onwards into education for 16 to 18 year-

olds. The e-learning scheme that he described might be particularly relevant to that age group. I have seen it, and it looks as though it is working extremely well. Perhaps some of the skills that we know are particularly relevant to this community—in the case of women, the parenting skills that I mentioned—could be the subject of training programmes through the e-learning system, which would not require them to attend at a recognised place of education.

At this late hour, I will simply content myself by saying many thanks to the Minister. We are extremely grateful for all the interest that he takes in these communities. I beg leave to withdraw the amendment.

Amendment, by leave, withdrawn.