

28 March 2018**Agenda Item: 8****REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES****GYPSY, ROMA AND TRAVELLER (GRT) COMMUNITY POLICY****Purpose of the Report**

1. The purpose of this report is to agree and approve the County Council's policy in regard to the Gypsy, Roma and Traveller (GRT) community, with particular regard to Unauthorised Encampments (UEs) and to outline the proposed work programme to support this.

Information and Advice

2. **Definition:** Gypsies and Travellers have been part of the United Kingdom community since at least the 16th century. The GRT communities are not a homogenous group and there are three main groupings in England; traditional English Romany Gypsies, traditional Irish Travellers and New Travellers. Within these groupings there are several categories:-
 - **Romanichel (English Gypsies)** –earliest recording of Romany Gypsies in England. There are also Scottish Travellers and Welsh Gypsies (Kale) as well as those from the continent (e.g. Sinti, Manouche etc.)
 - **The Pavee (Irish Travellers)** - Irish Travellers are a recognised ethnic minority. Records show the presence of Irish Travellers in the UK goes back for 500 years, although often they are thought of as being refugees from the Irish Famine in the 19th century.
 - **Roma (East European)** – In the early 1990s Roma started to arrive from the new EU countries, particularly the Czech Republic, Poland, Romania and Slovakia. It is not known how many Roma live in the UK as many Roma avoid declaring their ethnicity for fear of persecution and racism and use their nationality instead.
3. There are also other communities which are often cited as part of the GRT communities' designation including; New Age, Bargees, Boaters and Showmen.
4. **Legal Status** - Romany Gypsies and Irish Travellers are protected ethnic minorities under the European Convention on Human Rights so that they have the right to be free from racial harassment and discrimination. All public sector organisations have a positive duty under the law to eliminate racial discrimination and promote equality of opportunity, which includes Romany Gypsies and Irish Travellers.
5. The Race Relations Act 1976 made it unlawful to treat someone less favourably on the grounds of colour, race, nationality, ethnic or national origins. Romany Gypsies have been

recognised in law as a separate racial group since 1988. Irish Travellers were recognised in law as a racial group in 2000. The Race Relations Amendment Act 2000 places a general duty on public bodies to promote racial harmony between different racial groups. The Human Rights Act 1998 also protects Travellers from unlawful discrimination. The Equalities Act 2010 introduced the concept of “protected characteristics”; this includes race and encompasses the Gypsy Roma and Traveller community

6. **GRT Population in Nottinghamshire** - Nottinghamshire has a long established GRT community with many of its members housed in settled accommodation, both living and working as part of our local communities. However, accurate population figures are unknown. Local research by the County Council’s Gypsy Traveller Liaison Officer (GTLO) estimated a population of approximately 3,000 members of the GRT community across the County, (settled and transient members of the GRT Community). It is acknowledged nationally that the numbers collected to record the size of this community will inevitably be low as many members of the GRT community do not choose or feel able to identify as such. It has been estimated that figures collected for the last national census under-represented this community by almost 50%.
7. Within Nottinghamshire (including Nottingham) there are no local authority or socially registered landlord sites. Land previously owned by the County Council which was a Travellers’ site (Daneshill, near Retford) has been leased to a private landlord.
8. **Issues in the GRT Community** - In 2015 the Equality and Human Rights Commission (EHRC) in its report on the state of equality and human rights in the UK noted that GRT communities faced ‘multiple disadvantages’. The highlighted issues facing the GRT community included:
 - low educational attainment
 - lower life expectancy
 - poor levels of child immunisation
 - comparably greater prevalence of anxiety and depression
 - poor employment
 - high levels of hate crime and racism
 - disproportionately high levels of domestic violence.
9. In 2017, a report by “The Traveller Movement”, (a national community charity promoting inclusion and community engagement with Gypsies, Roma and Travellers), found that from a survey of the GRT community:
 - 91% experienced discrimination because of their ethnicity
 - 70% experienced discrimination in some aspect of education
 - 49% experienced discrimination in some aspect of employment
 - 30% experienced discrimination in relation to accessing health care
 - 55% had been refused services because of their ethnicity
 - 77% experienced hate speech or a hate crime
 - 76% had hidden their ethnicity to avoid discrimination or prejudice
 - 77% had not sought legal help after experiencing discrimination.
10. These problems are present in the GRT community in Nottinghamshire and traditionally result in a low take up of services by that community.

11. **Unauthorised Encampments (UEs)** - A specific issue in regard to relationships between the GRT community, the settled communities in Nottinghamshire and the County Council is that of UEs. These occur throughout the County when ‘encampments of caravans and/or other vehicles are set up on land without the landowner or occupier’s consent’.

12. In the latter half of 2017 there have been 20 incidents of UEs reported on County Council and other land which has prompted concerns from members of the settled community. This is a higher incidence rate than would be expected during this period. It has not been possible to discover a definitive reason for this higher rate.

13. It is impossible to accurately predict just where and when an UE will occur. Confirming how it will address UEs will enable the County Council to offer a service that is consistent, efficient and effective and is understood by our communities and partners.

14. **County Council Approach** - The Council Plan 2017-2021, “Your Nottinghamshire, Your Future”, sets out the Council promise to the people of Nottinghamshire and the Council priorities for the next four years to achieve “strong and vibrant communities”. Especially relevant to the GRT community are the following elements of the Plan:

- Empowering people and supporting their independence by assisting those who need our services most
- Allowing children to have the chance to realise their potential and to be less likely to miss out on education
- Helping vulnerable families to face the challenges of keeping their children safe
- Giving people the opportunity to live a long, healthy, productive and independent lives
- Ensuring that people are protected from crime and anti-social behaviour and are confident about their safety
- Supporting people to live as independently as possible and to grow older with dignity
- Recognising the contribution of this community to the workforce of the county

15. The Council Plan puts local people at the heart of everything we do and has a focus on helping people to help themselves. This applies equally to both the GRT community and our more settled communities. In achieving “strong and vibrant communities” the Council expects those communities to be law-abiding and respectful and tolerant of others and their views. The Council is keen to develop active citizenship from within the GRT community so that they, together with, and as part of, our other communities, feel safe, a sense of belonging and community, and able to access the cultural offer from Nottinghamshire.

16. In confirming its commitment to working with the GRT community, and as a first stage to achieving these elements of the Council plan in respect of that community, it is important that the County Council can demonstrate and evidence how it intends to proceed by defining its policy in regard to that community and the linkages to the broader service offer. As such the following policy statement is proposed:-

17. **Policy Statement: Working with Gypsy, Roma, Traveller, (GRT), Community**

“The County Council recognises the importance, value and contributions of the diversity of people who live, work and visit

Nottinghamshire. It acknowledges that to achieve strong and vibrant communities people need to feel confident, safe and engaged with decision making. To achieve this with the GRT community the Council will aim to:

- **Eliminate unlawful racial discrimination, harassment and victimisation**
- **Advance equality of opportunity between people who share a protected characteristic and those who do not**
- **Foster good relations between people who share a protected characteristic and those who do not**
- **Balance the rights and needs of our settled communities with those of the GRT community.**

In order to achieve these aims the County Council will work with partners and the GRT community in order to improve access to services and increase levels of take-up. It will look to build the confidence of the GRT community to encourage it to take a pro-active role in working with the County Council and the Council's partners, developing potential for active citizenship and better access to the cultural offer from Nottinghamshire.

The County Council recognises that Unauthorised Encampments (UEs) represent an important element of the work of the County Council with the GRT community. They are often the first point of contact between the County Council and individual members of the transient GRT community and offer the potential to develop better working relationships.

The County Council will respond to and consider the location, circumstances and impact of each UE individually, and will work with partner agencies and members of the GRT community to offer a proportionate response to each UE.

The County Council will work with partners to improve community safety amongst and between the GRT and settled communities”.

18. A copy of this policy statement is also attached to this report at **Appendix A**.

19. This policy reflects the recommendations of the recent findings of the Joint Strategic Needs Assessment Health GRT Chapter (JSNA - see background papers) and is commensurate with the County Council Equality Policy. It has also been the subject of an Equality Impact Assessment (EqIA) which concluded that this statement will improve relations with the GRT community and encourage from that community a pro-active role in working with the County Council and its partners, leading to better take up of any service offer. The EqIA is available as a background paper to this report.

20. **Future Work Programme** - To support this GRT policy and its contribution to the County Council's plan, the communities function within the Place Department will lead the development of a work programme that will take forward and improve our relationships and response to the GRT community and seek to build on the positive work achieved to date.

21. In particular it will focus on the greater involvement of the GRT community in future service provision, together with improved partnership and integrated working, in order to increase the confidence, safety and engagement within and between our communities.

22. This work programme will take place in 2018 and include:

- ensuring that the needs of this community are addressed as evidenced in the County Council Plan 2017-2021 and that partners have a better understanding of GRT matters;
- clarifying the County Council's position with regard to this community and how this will be reflected in any service offer;
- improving integrated work and approaches between partners especially the police, the County Council, district and borough councils and the private and third sectors;
- reviewing current forums where GRT issues are discussed;
- exploring options to ensure that the voices and lived experiences of the GRT community are heard, shared and contribute to inform and shape any service offer;
- updating the current UE protocol for working with the GRT community (see paragraph 23 below);
- examining the feasibility of providing a site within the County to move UEs
- contributing to a multi-agency exercise to scope the possible development of a negotiated stopping strategy within the county;
- scoping and sharing good practice from other areas of the country;
- taking account of current and emerging national legislation and Government guidelines.

23. **UE Protocol** - In working to address UEs the County Council will update and develop the existing "Good Practice Protocol – Managing UEs on County Council Land". The revised protocol will enable the County Council to make clear, consistent and appropriate decisions on UEs, strike a balance between the needs of all parties, and ensure information is both shared appropriately with other partners and is accurately recorded. The protocol will:

- Identify lead officers and areas of responsibility;
- Confirm key stages, processes and timescales to be followed ;
- Detail the information to be gathered and recorded;
- Specify the officer responsible for taking the decision on how to respond to each UE.

24. The revised protocol will take full account of the Government report issued by the Department for Communities and Local Government, "Guidance on Managing Unauthorised Encampments", and will enable the County Council to:

- Manage the UE in an efficient and effective manner taking account of the nature of the site of the UE, the potential level of nuisance for local residents, the Council and partners together with the rights and responsibilities of Gypsies and Travellers.
- Consider the full range of powers and legislation available and utilise these as appropriate.
- Consider and balance the rights and needs of resident communities together with those of Gypsies and Travellers.

- Take account of any welfare concerns of any members of the UE.

25. The County Council will work with other partners, in particular district and borough councils and Nottinghamshire Police, to ensure that they are aware of this protocol and to promote and maximise the opportunity for other partners to adopt this as their template for working with UEs – so furthering a consistent approach in Nottinghamshire. This element of the work programme is scheduled for completion by June 2018 and the revised protocol will be submitted for formal approval by Policy Committee at that time.

26. The adoption of the policy contained within this report (and the associated work programme) will ensure the County Council is in an excellent position to influence and contribute to service developments in this area being considered by other partners, in particular Nottinghamshire Police and district and borough councils. It will also ensure that the County Council can influence and consider how elements of service delivery in this area could be maximised through a local, county or regional approach. This will ensure both a consistency of approach and cost effective solutions. It will ensure that the County Council complies with the Public Sector Equality Duty which was created under the Equality Act 2010. This requires the County Council to have due regard for advancing equality, involving:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
- encouraging people from protected groups to participate in public life or in other activities where their participation is proportionately low.

Other Options Considered

27. County Councils do not have any statutory responsibilities specifically towards the GRT community. However, the County Council must consider the broader implications of the Equality Act (2010), Human Rights Act (1998) and the Care Act (2014) when working with the GRT community (as with any other community).

28. The Equality Act (2010) does not define race, however as noted above, case law has established that Romany Gypsies and Irish Travellers are covered by the protected characteristic of race. Under the Act, the Council has a duty to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good relations.

Reasons for the Recommendation/s

29. To inform Members of the need to agree and approve a policy on its approach to the GRT community in Nottinghamshire together with a work programme to support this.

Statutory and Policy Implications

30. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are

described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

31. There are no specific financial implications arising directly from this report.

RECOMMENDATIONS

- 1) That Members agree and approve the Policy Statement within the report in regard to its commitment to working with the GRT community;
- 2) That Members ratify the work programme detailed within this report to support the Policy Statement.

Derek Higton
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For any enquiries about this report please contact Mark Walker, Group Manager, Trading Standards and Community Safety (0115) 977 2173, or Tony Shardlow, Community Safety Officer (0115) 977 3846

Constitutional Comments [SLB 23/02/2018]

32. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments [RWK 05/03/2018]

33. The financial implications are set out in paragraph 31 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Joint Strategic Needs Assessment: GRT Health Chapter 2017
- The Traveller Movement Report 2017 – “The Last Acceptable Form of Racism?”
- Good Practice Protocol – Managing UEs on Nottinghamshire County Council Land
- Government report issued by the Department for Communities and Local Government, “Guidance on Managing Unauthorised Encampments”
- Equality Impact Assessment : Nottinghamshire County Council’s Policy Statement for the Gypsy Roma and Traveller Community

Electoral Division(s) and Members Affected

- All

Policy Statement:- Working with Gypsy, Roma, Traveller, (GRT), Community

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