

# Comments on UK Progress on the European Framework for National Roma Integration Strategies

## 1) Involvement of regional and local authorities and civil society;

An inter-ministerial report in April 2012: *Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers* noted:

*“Across Government we are very concerned that Gypsies and Travellers are being held back by some of the worst outcomes of any group across a range of social indicators. The Ministerial Working Group therefore brought together ministers from key government departments under the chairmanship of the Secretary of State for Communities and Local Government [Eric Pickles] to look at ways to reduce and tackle these inequalities”* (CLG, 2012, 3).

The report was widely criticised by activists and advocacy groups for not engaging directly with Gypsy Roma Traveller civil society, in addition to this Roma were largely excluded from the discussion within the report (TAT, 2012). The Coalition Government has not acted within the spirit of the EU Roma Roma framework which declares that resulting national strategies should *"be designed, implemented and monitored in close cooperation and continuous dialogue with Roma civil society, regional and local authorities"* (European Commission, 2011, 9).

The Coalition Government 'Big Society' agenda has promised to empower and strengthen community organizations. Despite this positive rhetoric, policy analysts have expressed concerns that the relatively well resourced community groups, rather than grass-roots organizations working with marginalized communities, will be more adept at benefitting from these policies because of the complexity of procurement and technical demands of service delivery (Bartlett, 2009; Greenfields, 2011). There are only a small number of GRT local and national community groups who hold adequate resources and an appropriate knowledge base to operate under formalized constitutional procedures as evidenced by the fact that approximately twenty groups exist on the Charities register (Ryder, 2011). The Big Society agenda does not appear to have a coherent strategy to support groups at the margins of society (Ryder, 2012).

The Coalition Government's Localism policies will place GRT community groups under great pressure. Under the Localism agenda the number of planning consultations on Traveller sites will increase greatly as a result of dismantling the regional spatial strategies. GRT groups will struggle given their number and resources to respond to these consultations (Ryder et al, 2011).

## 2) Allocation of proportionate financial resources;

In terms of current funding for local authority driven, site provision up until 2015, £60m has been made available under the Traveller Pitch Funding scheme as part of the Homes and Communities Agency's Affordable Homes Programme (CLG, 2012, 17, 4.5). This sum is noticeably lower than that made

available under the former Labour regime and (when inflation is taken into account) compares poorly with the grant funding in earlier years of the Century (Source of data: Richardson, 2011, 23):

2006 – 08 £56m (over 2 year period - £28m per year)

2008 – 11 £97m (over 3 year period - £32m per year)

2011 – 15 £60m (over 4 year period - £15m per year)

In addition to the above, the inter-ministerial report makes reference to the New Homes Bonus which it is noted will include households accommodated under the Traveller Site provision. This Bonus match funds (through Central Government sources) additional council tax (CLG, 2012, 17, 4.6). However, policy analysts and critics feel that this incentive will not be enough to attract the support of many local authorities in developing new pitches, given the level of local opposition to site development (Ryder et al, 2011).

The inter-ministerial report notes: *“At present, Gypsy and Roma pupils, along with pupils of Irish Traveller heritage, are amongst the lowest-achieving groups at every Key Stage of education...”* (CLG, 2012a, 7 – 2.1). The Coalition contends that a key policy tool will be the Pupil Premium providing an additional £488 per pupil in 2010-2011 to help raise their attainment. This figure will rise to £600 per pupil in 2012-2013 (CLG, 2012, 7 – 2.2). In addition in 2012 the Government provided just over £201m for ethnic minority achievement via the Dedicated Schools Grant, to help schools improve the performance of ethnic minority and GRT pupils, as well as those with English as an Additional language (CLG, 2012, 7 – 2.3). 43.2% of all registered GRT pupils in primary schools are currently eligible for Free School Meals; this figure rises to 45.3% in secondary schools and 57.5% in Special Schools (CLG, 2012, 7 – 2.2). However, a significant number of GRT pupils are not of Free School Meal status yet remain highly vulnerable in the school system as a result of a number of coalescing factors. Some Roma migrants are in fact ineligible to claim benefits and despite living below the official poverty line (European Dialogue, 2009), their children if attending school will be ineligible for free school dinners and thus are not included within the student cohort used to calculate pupil premium numbers in a school. Despite lobbying, the Government rejected attempts by pressure groups to include other vulnerable groups under the Pupil Premium umbrella and there is a fear that reliance on the criteria chosen could lead to a reduction in resources for GRT pupils (Ryder et al, 2011). What is more, there is no guarantee that schools will use this available money to buy in specialist Traveller Education Support, in particular in the case of Academy schools which have greater freedom as to whether they choose to contract local authority specialist services. Local authority cutbacks have led to the closure or greatly reduced capacity of a number of Traveller education services (Foster and Cemlyn, 2012).

The Health and Social Care Act 2012 will have important implications upon the core principles of the health service, in particular notions of meeting the needs of everyone, free at the point of access. Thus there are concerns as to how in the future the health service will cater for the needs of vulnerable groups like Gypsies, Roma and Travellers. As a result of NHS reforms fears have been expressed that pressure on general practitioners to reduce referrals to secondary hospital care, could accentuate tensions and mistrust between Gypsies and Travellers and health staff (Van Cleemput, 2012). Increased

pressures on community nursing services (Ford 2012) also have implications for GRT communities who already struggle to access services and are deemed 'hard to reach' rather than 'seldom heard or seen'. Such pressures ensure that the National Service Framework Primary Care Service Framework: Gypsy & Traveller communities (NHSPCC 2009) will be increasingly hard to implement.

Anxieties about the impacts of new reforms are reflected in the concerns over the fate of Pacesetters, a programme which was aimed at reducing GRT health inequalities through innovative approaches (Van Cleemput et al 2010) but many of these initiatives may not be sustained as few were embedded and mainstreamed as envisaged. In evidence presented to the Travellers' Aid Trust Panel Review (see reading list) the former Children's Commissioner Sir Al Aynsley-Green spoke of the impact of current health reforms:

*"I predict with absolute certainty that the outcome will be absolutely catastrophic to families who already have great difficulty in accessing primary health care and emergency care etc, so where in the NHS reforms is there any mention of highly disadvantaged communities like Travellers. What is going to happen to them with the GP commissioning and other changes in the legislation?" (Ryder, et al, 2011, 65).*

### 3) Monitoring to enable policy adjustments;

Under the Labour Government Traveller site policy Gypsy Traveller Accommodation Needs Assessments (GTANA) were an important tool to map and measure GRT needs and aspirations, regional evaluation of those assessments provided scope for monitoring, benchmarking and adjustments to targets and identified need. Under Coalition Government policies these provisions were removed and government guidance on GTANA was jettisoned. As a consequence of these reforms there has been a drop in the level of pitches estimated to be needed by local authorities. Steve Staines of the Traveller Law Reform Project reported to that a survey of 34 councils (excluding those in Greater London) revealed a reduction of 360 pitches at the time that plans were accepted by councils, when compared to the targets that had previously been set by Regional Assemblies under the older regime (Ryder et al, 2011). Whilst some councils were proceeding with a certain amount of site development, this was overwhelmingly based on figures established by the local GTANA which in many cases (after 'massaging' and challenge over data and assumptions operationalised) identified lower levels of need than had been set by Regional Assemblies who were able to take a wider view of all available evidence and had no local political agenda (Ryder et al, 2011). Similarly, a survey by the Irish Traveller Movement in Britain (2011) has estimated a similar dramatic shortfall in ongoing pitch provision, based upon responses from 100 out of 152 local authorities surveyed in three different English regions (East, South East and South West). The number of residential pitches which were identified as being in need of planning permission (either self-provided or by local authorities) fell by more than half, from 2,919 pitches identified as being required when Regional Strategies were analysed, to a mere 1,395 according to the plans passed by local authorities (ITMB, 2011). Moreover, the time frame for delivery of such pitches was expected to be significantly slower than under the RSS process. Experienced practitioners suggest that if such proposals actually move beyond a broad planning aspiration and eventually become concrete plans then local

opposition to delivery of such sites invariably becomes more intense. In such circumstances it is likely that these figures for deliverable pitch numbers will be reduced still further (Richardson, 2007).

Planning Inspectors have ruled Hull Council's development strategy to be unsound, paving the way for its future planning decisions to be overturned on appeal. The planning inspectorate found the council failed to adhere to new National Planning Policy Framework planning requirements to provide an up-to-date evidence base and identify a five-year rolling land supply for Gypsy and Traveller sites for its core strategy. All Local authorities need to have core strategies in place by March 2013. The planning inspectorate has given Hull six months to re-write its strategy. If the strategy is not then deemed satisfactory by the inspectorate it could mean the council is powerless to prevent planning decisions being overturned on appeal (Inside Housing, 13/7/2012). This could be an important test case which will demonstrate the robustness of safeguards against local authority recalcitrance on Traveller site provision. But it could be argued that regional benchmarking and the prospect of government intervention as existed in the previous system would be more robust, less circuitous and come into play before planning appeals and disputes over unauthorised developments rather than afterwards.

#### 4) Fighting discrimination convincingly.

In July 2010, Eric Pickles, the Secretary of State at the Department for Communities and Local Government (CLG), announced that he was using his power under section 79(6) of the Local Democracy, Economic Development and Construction Act 2009 to revoke Regional Strategies in order "*to put greater power in the hands of local people rather than regional bodies*" (Pickles 2010). Traveller sites as well as housing had formed part of the Regional Strategy targets, instead a new localist planning system would come into place, having a major impact on Gypsy and Traveller site provision. The previous policy gave the secretary of state powers to intervene where local authorities failed to achieve the goals and targets set. Under localism though critics fear that local authorities, parish councils and interest groups will seek to thwart site development plans (Ryder et al, 2012). Pickles has argued that the previous policy created perceptions of 'unfairness' by the general public concerning the outcomes of planning cases by Gypsies and Travellers. A CLG press release (13th April, 2011) declared: "*... the old planning rules created a perception of special treatment for some groups, undermining the notion of fair play in the planning system and further harming community cohesion.*" Prior to Circular 1/2006 Gypsies and Travellers were more disadvantaged in the planning system and proportionately, more applications for Traveller sites were refused than there were refusals for bricks and mortar planning applications in the wider community. There was a hope that Circular 1/2006 would redress the balance and give a more even footing to applications for sites and it did improve the ratio (Richardson, 2011, 8). Circular 1/2006 can be seen as a tool which leveled inequality in the planning system rather than one that created 'unfairness' and which acted as a tool of 'positive action' which has generally been accepted by the main political parties and the European Union as a legitimate tool to address inequality (European Union, 2009).

The Coalition has proposed giving councils greater freedom to choose when to use 'Temporary Stop Notices' in relation to caravans which are used as main residences and are in breach of planning control. This would be backed up with the potential for heavy fines (CLG, 2012). Thus where local authorities fail to identify land for sites the alternative course of action of trying to develop an unauthorised development will be problematic. Where Gypsies and Travellers do seek to develop sites and defend them in court their legal options may be limited by Coalition proposals (under consultation) which could limit recourse to judicial review by making it more expensive and reducing the time-limit for bringing claims (Ministry of Justice, 2012). The Equality Act 2010 remains in place and could be an instrument that can be applied where local authorities fail to address Gypsy and Traveller accommodation needs, but the prospects of such legal action are limited by the erosion of the Equality and Human Rights Commission, which has seriously impeded its ability to enforce and litigate (Guardian, 2012).

As noted Roma are virtually ignored within the inter-ministerial report, and thus there is no reference to work restrictions which impact on A8 (Poland, Slovakia, Czech Republic, Slovenia, Hungary, Lithuania, Latvia and Estonia) migrants and A2 (Romania and Bulgaria) nationals in the UK (from which countries many Roma migrants originate). These restrictions have been found to place huge obstacles in the way of Roma who wish to become financially independent through seeking employment. Thus it has been reported that many Roma in the UK are trapped in casual self-employment and earn a fraction of the legal minimum wage which has consigned them to residence in overcrowded and substandard accommodation (European Dialogue, 2009; Ryder and Greenfields/ITMB, 2010). The UK Government needs to explicitly engage with issues around Roma equality in terms of access to employment and economic inclusion. It should be noted that sections of the Conservative Party are agitating for the continuance of employment restrictions which are due to expire in 2013.

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This report draws upon research which Cemlyn and Ryder and a number of other UK academics were involved in:

Richardson, J. and Ryder, A. (2012) 'Gypsies and Travellers: Accommodation, Empowerment and Inclusion in British Society', Bristol: Policy Press Book

Ryder, A., Cemlyn, S., Greenfields, M., Richardson, J., Van Cleemput, P. (2012) 'A Critique of UK Coalition Government Policy on Gypsy, Roma and Traveller Communities' Hosted on Equality and Diversity Forum website

Ryder, A., Acton, T., Cemlyn, S., Cleemput, P., Greenfields, M., Richardson, J and Smith, D. (2011) 'A Big or Divided Society? Final Recommendations and Report of the Panel Review into the Impact of the Localism Bill and Coalition Government Policy on Gypsies and Travellers', Kidwelly: Travellers' Aid Trust Report

Cemlyn, S. and Ryder, A. (2011)'Measures to promote the situation of Roma EU citizens in the European Union (UK Country Report) Strasbourg: The European Parliament